

THE  
STATUTES OF CALIFORNIA

AND

AMENDMENTS TO THE CODES,

PASSED AT THE

THIRTY-FIFTH SESSION OF THE LEGISLATURE,

1903.

BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON SATURDAY, MARCH  
FOURTEENTH, NINETEEN HUNDRED AND THREE.



SACRAMENTO:

W. W. SHANNON, : : : : SUPERINTENDENT STATE PRINTING.  
1903.





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109	An act to amend Section 22 of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds." Approved March 10, 1903.....	A. B. 262....	121
110	An act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling and contingent expenses of the governor's office for the fiscal year ending June 30, 1903. Approved March 10, 1903.....	S. B. 315....	123
111	An act making an appropriation to pay the contingent expenses of the senate, thirty-fifth session. Approved March 11, 1903.....	S. B. 912....	124
112	An act to pay the claim of J. E. Atkinson, and making an appropriation therefor. Approved March 11, 1903.....	S. B. 207....	124
113	An act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds. Approved March 11, 1903.....	A. B. 382....	125
114	An act making an appropriation to pay the claim of A. W. North against the State of California. Approved March 11, 1903.....	A. B. 643....	126
115	An act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the state board of examiners and to appropriate money therefor. Approved March 12, 1903.....	A. B. 318....	127
116	An act directing the state prison directors of the State of California to employ at least twenty prisoners in the construction of roads to the state prisons at San Quentin and at Folsom. Approved March 12, 1903 .....	A. B. 103....	127
117	An act to appropriate the sum of \$1,315, to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the superior court of Tuolumne county, California, on the 8th day of November, 1902, under the provisions of an act of the legislature of the State of California, entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901. Approved March 12, 1903 .....	A. B. 420....	128

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
118	An act to amend Section 56 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township. Approved March 12, 1903.....	A. B. 514....	129
119	An act authorizing and providing for suits for the collection of delinquent taxes due upon personal property. Approved March 13, 1903.....	S. B. 328....	130
120	An act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this state, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose. Approved March 13, 1903.....	S. B. 420....	131
121	An act to pay the claim of C. W. King, and making an appropriation therefor. Approved March 13, 1903.....	A. B. 38....	132
122	An act to amend and re-enact Section 1142 of the Political Code relative to the appointment of officers of election to constitute election boards. Approved March 13, 1903.....	A. B. 675....	133
123	An act to amend Section 17 of the Code of Civil Procedure, relating to the definition of certain words. Approved March 13, 1903.....	Sub.S. B. 11..	134
124	An act to amend Section 880 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal. Approved March 13, 1903.....	A. B. 9....	135
125	An act to amend Section 595 of an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to the amount, character and location of real estate that may be owned or held by corporations whose object is not pecuniary profit. Approved March 13, 1903.....	S. B. 85....	136
126	An act to amend an act entitled "An act to establish a Penal Code," by adding a new section thereto to be numbered 625a, relating to unlawful interferences with public fire alarms. Approved March 13, 1903.....	S. B. 406....	137
127	An act authorizing and empowering the board of state harbor commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said board of state harbor commissioners. Approved March 13, 1903.....	S. B. 382....	138
128	An act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the city and county of San Francisco, California. Approved March 13, 1903.....	S. B. 41....	138
129	An act to prohibit the use of the bristle bur, tack bur, or other like devices on horses or other animals in this state. Approved March 13, 1903.....	S. B. 594....	139

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
130	An act supplemental to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution. Approved March 13, 1903.....	A. B. 816....	140
131	An act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissions, prisons, schools, hospitals, and other state institutions, for the remainder of the fifty-fourth fiscal year. Approved March 13, 1903.....	A. B. 524....	141
132	An act making an appropriation of \$250,000 for the construction of a building to be erected by the regents of the University of California in Alameda county on the grounds of the university for the accommodation of the students of the university, also providing for the time of payment thereof and prescribing the duties of the controller and the treasurer in relation thereto. Approved March 13, 1903.....	A. B. 427....	142
133	An act to establish a poultry experiment station in the county of Sonoma, and making an appropriation therefor. Approved March 13, 1903.....	A. B. 23....	143
134	An act to amend Sections 1197, 1205 and 1211 of the Political Code, relating to election ballots and manner of voting. Approved March 14, 1903.....	S. B. 793....	144
135	An act to add a new section to the Political Code to be numbered 1003a, relating to terms of office. Approved March 15, 1903.....	A. B. 613....	150
136	An act making an appropriation to pay the contingent expenses of the senate, thirty-fifth session. Approved March 16, 1903.....	S. B. 927....	151
137	An act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the surveyor-general's office for the remainder of the fifty-fourth fiscal year. Approved March 16, 1903.....	A. B. 756....	151
138	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class. Approved March 16, 1903.....	A. B. 411....	151
139	An act to amend an act entitled "An act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the regents of the University of California of certain public lands acquired by tax sales. Approved March 16, 1903.....	A. B. 521....	154
140	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy. Approved March 16, 1903.....	A. B. 686....	156

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141	An act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof. Approved March 16, 1903....	A. B. 21....	156
142	An act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537½, relating to misdemeanors. Approved March 16, 1903.....	A. B. 584....	157
143	An act to amend Sections 3, 4, and 6 of an act entitled "An act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the state," which act became a law under the provisions of the constitution, without the governor's approval, March 7, 1901. Approved March 16, 1903.....	S. B. 887....	158
144	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of boards of supervisors to lay out, establish, improve, and maintain public boulevards, to incur a bonded indebtedness for such purposes, and to call a special election for the submission to the electors of the question of incurring said indebtedness. Approved March 16, 1903.....	S. B. 606....	160
145	An act to amend Section 1492 of the Political Code of the State of California, relating to the joint board of normal schools trustees. Approved March 16, 1903.....	S. B. 396....	161
146	An act to amend Section 1817 of the Political Code, relating to the duties of county superintendents of schools. Approved March 16, 1903.....	A. B. 300....	162
147	An act to add a new section to the Penal Code of the State of California, to be numbered 373a, making the continuance of a public nuisance after notice from a health officer or district attorney to remove or abate the same a misdemeanor. Approved March 16, 1903.....	A. B. 314....	163
148	An act to provide for the change of name of school districts and the manner of making such change. Approved March 16, 1903.....	A. B. 332....	163
149	An act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness and to consent to a judgment in favor of the holders of the same. Approved March 16, 1903.....	A. B. 966....	164
150	An act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same. Approved March 16, 1903.....	S. B. 633....	165
151	An act to repeal an act entitled "An act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901. Approved March 16, 1903.....	S. B. 561....	166
152	An act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered 1510, relating to the sale of real estate by guardians of incompetent persons in certain cases and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of. Approved March 16, 1903.....	A. B. 493....	166

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153	An act to amend Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property. Approved March 16, 1903.....	A. B. 40....	167
154	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class. Approved March 16, 1903.....	A. B. 212....	168
155	An act to provide for the joint investigation with the federal government of the water resources of the state, and of the best methods of preserving the forests thereof; and making an appropriation for the expenses of such investigations. Approved March 16, 1903.....	A. B. 75....	171
156	An act to amend Section 501 of the Civil Code of the State of California, relating to operating cars by street railroad corporations. Approved March 18, 1903.....	A. B. 537....	172
157	An act to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof. Approved March 16, 1903.....	S. B. 422....	173
158	An act to amend an act entitled "An act to establish a Civil Code," relating to granting of divorces. Approved March 16, 1903.....	S. B. 560....	176
159	An act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general, for the fifty-third fiscal year. Approved March 18, 1903.....	A. B. 538....	177
160	An act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property. Approved March 18, 1903.....	A. B. 100....	177
161	An act to provide for the appointment by the supreme court of five commissioners, to be known as commissioners of the supreme court, to appoint a secretary and a stenographer, and to appropriate money therefor. Approved March 18, 1903.....	A. B. 434....	178
162	An act to amend Section 159 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employes. Approved March 18, 1903.....	A. B. 578....	179
163	An act to add a new section to the Political Code, to be numbered 751½, authorizing the clerk of the supreme court to employ a stenographer, and fixing the compensation of such stenographer. Approved March 18, 1903.....	A. B. 274....	186
164	An act making an appropriation for furnishing the modern hospital building for the Veterans' Home, located at Yountville, Napa county, State of California, now in course of construction. Approved March 18, 1903.....	A. B. 158....	187
165	An act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California. Approved March 18, 1903.....	A. B. 689....	187

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
166	An act making an appropriation for the California Polytechnic School. Approved March 18, 1903.....	A. B. 179.....	188
167	An act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor. Approved March 18, 1903.....	A. B. 367.....	189
168	An act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital. Approved March 18, 1903.....	A. B. 840.....	189
169	An act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital. Approved March 18, 1903.....	A. B. 838.....	190
170	An act making an appropriation for the purchase and installation of new engines, boilers, and dynamos and the construction of a new power house at the Veterans' Home, located at Yountville, Napa county, State of California. Approved March 18, 1903.....	A. B. 159.....	190
171	An act making an appropriation of \$6,000 to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor. Approved March 18, 1903.....	A. B. 360.....	191
172	An act to amend Section 800 of the Political Code, relating to the qualification of notaries public. Approved March 18, 1903.....	A. B. 592.....	191
173	An act amending Section 1874 of the Political Code, providing for the appointment of a standing committee of the state board of education on school text-books; authorizing said committee subject to approval of the state board of education to revise, compile, and manufacture school text-books; prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of state school text-books; granting powers, subject to the approval of the state board of education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the state series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the superintendent of public instruction upon the publication or revision and adoption of a book or a number of books of the state series; providing that the superintendent of state printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the state school book fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of state school text-books. Approved March 18, 1903.....	A. B. 37.....	192
174	An act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same. Approved March 18, 1903.....	A. B. 357.....	197

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175	An act appropriating money for the purchase of bedding, furniture and carpets for the use of the Preston School of Industry. Approved March 18, 1903.....	A. B. 423.....	197
176	An act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor. Approved March 18, 1903.....	S. B. 323.....	198
177	An act appropriating money for the purchase of books for the library of the Preston School of Industry. Approved March 18, 1903.....	A. B. 422.....	198
178	An act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Approved March 18, 1903.....	A. B. 560.....	199
179	An act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Approved March 18, 1903.....	A. B. 562.....	200
180	An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 192 thereof, relating to the compensation of officers of counties of the thirty-fifth class. Approved March 18, 1903.....	A. B. 864.....	200
181	An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof relating to the joinder of parties in civil actions. Approved March 18, 1903.....	Com. Sub. for S. B. 392.....	203
182	An act to amend the Code of Civil Procedure of California by adding a new section thereto to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the state, and defining the duties of the county treasurer, state controller and state treasurer in relation thereto. Approved March 18, 1903.....	A. B. 764.....	203
183	An act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors. Approved March 18, 1903.....	A. B. 753.....	204
184	An act authorizing the regents of the state university to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the controller and treasurer in relation thereto. Approved March 18, 1903.....	A. B. 203.....	205
185	An act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same. Approved March 18, 1903.....	A. B. 563.....	206
186	An act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor. Approved March 18, 1903.....	A. B. 258.....	207
187	An act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Lewis and Clark Exposition to be held in the city of Portland, Oregon, in 1905, and to provide for a commissioner thereof. Approved March 18, 1903.....	A. B. 368.....	207



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188	An act to appropriate \$12,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said state normal school; to improve the grounds of said state normal school. Approved March 18, 1903.-----	A. B. 136. ....	208
189	An act authorizing the state board of prison directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor. Approved March 18, 1903.-----	A. B. 140. ....	209
190	An act forbidding the employment of the inmates of state institutions in the manufacture, or production of articles, for the use of state officers, or the officers and employers of state institutions. Approved March 19, 1903.-----	A. B. 424. ....	210
191	An act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace. Approved March 19, 1903.-----	S. B. 66. ....	210
192	An act to amend Section 168 of an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, and an amendment thereto, entitled 'An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23, 1901. Approved March 19, 1903.-----	S. B. 779. ....	212
193	An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances. Approved March 19, 1903.-----	S. B. 298. ....	216
194	An act to provide for the amount and the manner of payment of salaries of justices of the peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this act and to provide a cashier in the office of the tax collector, and a file clerk in the office of the county clerk, and repealing all laws in conflict therewith. Approved March 19, 1903.-----	S. B. 568. ....	217
195	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class. Approved March 19, 1903.-----	S. B. 578. ....	218
196	An act to amend Section 162 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901. Approved March 19, 1903.-----	A. B. 955. ....	224
197	An act to amend Section 170 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and the acts amendatory thereof; relating to the compensation of county and township officers of counties of the thirteenth class. Approved March 19, 1903.-----	A. B. 889. ....	227
198	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class. Approved March 19, 1903.-----	A. B. 743. ....	230

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199	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of counties of the twenty-ninth class. Approved March 19, 1903.	A. B. 876....	232
200	An act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters. Approved March 19, 1903.....	A. B. 635....	234
201	An act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not; affecting, or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code. Approved March 19, 1903.....	A. B. 598....	235
202	An act to amend Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday. Approved March 19, 1903.....	A. B. 459....	236
203	An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 200 thereof, relating to the compensation of officers of the forty-third class. Approved March 19, 1903.....	A. B. 795....	237
204	An act to amend Section 36 of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor. Approved March 19, 1903.....	A. B. 858....	239
205	An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class. Approved March 19, 1903.....	S. B. 905....	241
206	An act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons. Approved March 19, 1903.....	S. B. 534....	243
207	An act to amend Section 791, relating to notaries public, of an act entitled "An act to establish a Political Code," approved March 12, 1872. Approved March 20, 1903.....	A. B. 380....	244
208	An act to amend an act entitled "An act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said act and authorized to discharge the duties therein provided for. Approved March 20, 1903.....	A. B. 867....	244
209	An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations. Approved March 20, 1903.....	A. B. 975....	245

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210	An act to amend Section 718 of the Civil Code, relating to leases of city and town lots. Approved March 20, 1903.....	S. B. 34....	247
211	An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners of a seawall and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people. Approved March 20, 1903.....	A. B. 886....	247
212	An act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets and franchises, with any other like associations or corporations, either created under the laws of the State of California or under the laws of any other state or territory. Approved March 20, 1903.....	S. B. 899....	251
213	An act authorizing the state surveyor-general to furnish his office and vault therein, and making an appropriation therefor. Approved March 20, 1903.....	A. B. 419....	252
214	An act to repeal an act entitled "An act concerning the fees of jurors and witnesses in the city and county of San Francisco," approved February 27, 1866. Approved March 20, 1903.	S. B. 469....	253
215	An act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same. Approved March 20, 1903.	S. B. 789....	253
216	An act to amend Section 321a, relating to the removal by corporations of their principal places of business, of an act entitled "An act to establish a Civil Code," approved March 21, 1872. Approved March 20, 1903.....	A. B. 377....	254
217	An act to amend Section 70, relating to the solemnization of marriages, of an act entitled "An act to establish a Civil Code," approved March 21, 1872. Approved March 20, 1903....	A. B. 379....	255
218	An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose. Approved March 20, 1903.....	S. B. 238....	255
219	An act to amend the Civil Code, by adding thereto a new section to be numbered 300a, relating to corporations. Approved March 20, 1903.....	A. B. 591....	256
220	An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers. Approved March 20, 1903.....	S. B. 304....	256
221	An act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration. Approved March 20, 1903.....	A. B. 646....	257
222	An act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters. Approved March 20, 1903.....	S. B. 523....	257
223	An act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations. Approved March 20, 1903.....	A. B. 715....	258
224	An act to amend an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893. Approved March 20, 1903.....	A. B. 139....	258

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
225	An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act. Approved March 20, 1903 .....	A. B. 134....	259
226	An act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act. Approved March 20, 1903 .....	S. B. 792....	262
227	An act to amend Section 11 of an act entitled "An act to define the duties of and to license land surveyors," approved March 31, 1891. Approved March 20, 1903.....	A. B. 205....	267
228	An act to amend Section 1 of an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899. Approved March 20, 1903 .....	A. B. 313....	268
229	An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor. Approved March 20, 1903.	A. B. 426....	269
230	An act to amend Section 2527 of the Political Code, relating to the powers of the state harbor commissioners. Approved March 20, 1903.....	S. B. 664....	270
231	An act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an act approved March 29, 1897, entitled "An act to amend an act approved March 26, 1895, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,'" as amended March 23, 1901. Approved March 20, 1903.....	S. B. 521....	271
232	An act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same. Approved March 20, 1903 .....	A. B. 29....	283
233	An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities. Approved March 20, 1903 .....	A. B. 261....	284
234	An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation. Approved March 20, 1903.....	S. B. 598....	285
235	An act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California. Approved March 20, 1903.....	A. B. 72....	289
236	An act to regulate the use of illuminating gas. Approved March 20, 1903 .....	A. B. 523....	289
237	An act to amend an act entitled "An act granting to the city of Monterey the title to the water front of said city in the bay of Monterey." Approved March 20, 1903.....	S. B. 520....	290
238	An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of lands embraced within such districts. Approved March 20, 1903 .....	A. B. 704....	291

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
239	An act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums and homes for children; defining the duties of persons conducting the same; and the duties and powers of the county boards of health or county health officers and other health officers in relation thereto, and providing a penalty for the violation of its provisions. Approved March 20, 1903 .....	S. B. 507....	317
240	An act to prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold. Approved March 20, 1903. ....	A. B. 369 ...	319
241	An act to authorize and empower the trustees of the "California Home for Care and Training of Feeble-Minded" to transfer and quitclaim certain real property to the trustees of the town of Santa Clara. Approved March 20, 1903.....	A. B. 968....	319
242	An act to amend Section 7 of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office. Approved March 20, 1903.....	A. B. 585....	320
243	An act to amend Section 5 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," relating to the qualifications of the medical director of said home. Approved March 20, 1903 .....	S. B. 109....	321
244	An act to amend an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18 and adding a new section to be numbered and designated Section 21½. Approved March 20, 1903.....	S. B. 359....	322
245	An act to amend Section 5 and Section 10 of an act entitled, "An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of board of supervisors concerning such districts and improvements. Approved March 20, 1903.....	S. B. 563....	328
246	An act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the state. Approved March 20, 1903.....	A. B. 271....	330
247	An act to amend Section 3713 of the Political Code, relating to the levy of taxes. Approved March 20, 1903.....	A. B. 976....	335

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
248	An act to amend Section 6 of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901. Approved March 20, 1903.....	A. B. 831.....	335
249	An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Approved March 20, 1903.....	A. B. 745.....	336
250	An act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass. Approved March 20, 1903.....	A. B. 684.....	337
251	An act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions. Approved March 20, 1903.....	A. B. 173.....	338
252	An act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools. Approved March 21, 1903.....	A. B. 532.....	339
253	An act to amend Section 359 of the Civil Code relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations. Approved March 21, 1903.....	S. B. 616.....	347
254	An act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same. Approved March 21, 1903.....	A. B. 93 ..	351
255	An act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure by adding thereto a new section relating to taking depositions, to be numbered 2025½. Approved March 21, 1903.....	A. B. 111.....	351
256	An act to add four new sections to the Civil Code to be numbered 581, 582, 583, and 583a, relating to banks and banking. Approved March 21, 1903.....	S. B. 917.....	352
257	An act to amend Section 1596 of an act entitled "An act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees. Approved March 21, 1903.....	A. B. 26.....	354
258	An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie. Approved March 21, 1903.....	S. B. 674.....	354
259	An act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts. Approved March 21, 1903.....	A. B. 825.....	358
260	An act to amend an act entitled "An act to establish a Political Code," approved March 12, 1872, by adding a new section thereto to be numbered Section 622a, relating to taxation of insurance companies other than life. Approved March 21, 1903.....	S. B. 811.....	359
261	An act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education. Approved March 21, 1903.....	A. B. 345.....	360

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
262	An act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water. Approved March 21, 1903.....	A. B. 762...	361
263	An act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure. Approved March 21, 1903.....	A. B. 292...	362
264	An act to amend Section 1713 of the Political Code of California in relation to district libraries. Approved March 21, 1903.....	A. B. 352...	363
265	An act to amend an act entitled "An act to amend an act entitled 'An act to vacate certain streets, alleys, and market places in the city and county of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said city and county of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874. Approved March 24, 1903.....	S. B. 589...	363
266	An act creating a board of bank commissioners, and prescribing their duties and powers. Approved March 24, 1903.....	S. B. 916....	365
267	An act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep. Approved March 24, 1903.....	S. B. 320....	372
268	An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement. Approved March 24, 1903.....	A. B. 775....	376
269	An act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith. Approved March 24, 1903.....	A. B. 619 ..	387
270	An act to enforce the educational rights of children and providing penalties for violation of the act. Approved March 24, 1903.....	A. B. 27....	388
271	An act to amend the Civil Code of the State of California, by adding a new section thereto to be numbered and known as Section 361a, relating to transfers of the business, franchises, and property of corporations. Approved March 24, 1903.....	A. B. 868....	396
272	An act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant. Approved March 24, 1903.....	A. B. 716....	396
273	An act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same. Approved March 24, 1903.....	S. B. 924....	397
274	An act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the treasurer of state. Approved March 24, 1903.....	S. B. 882....	398

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275	An act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein. Approved March 24, 1903.....	S. B. 627.....	399
276	An act to provide for the care, management, and protection of state highways. Approved March 24, 1903.....	A. B. 679.....	400
277	An act to amend Section 36 of an act entitled "An act to establish a uniform system of county and town governments," approved March 1, 1897. Approved March 24, 1903.....	A. B. 948.....	402
278	An act to amend Section 1818 of the Political Code, relating to the duties of boards of supervisors levying county school tax. Approved March 24, 1903.....	A. B. 301.....	403
279	An act to authorize cities to acquire and operate a joint system or systems of water supply. Approved March 24, 1903.....	S. B. 906.....	405
280	An act to re-enact Section 681 of the Political Code, relating to the duties of clerks of boards of supervisors, trustees, common council, or other governing board or body of a county, city and county, city or town, or school district in this state, upon the issuance and sale of bonds for any purpose, and decreeing that the state shall not be required to file a certified check, bond or other assurance in law upon its application to purchase. Approved March 25, 1903.....	A. B. 582.....	406
281	An act to amend Section 14 of the Civil Code of the State of California, relating to the definition of words. Approved March 25, 1903.....	A. B. 546.....	407
282	An act to amend the Political Code by adding a new section thereto, to be numbered 3658a, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer. Approved March 25, 1903.....	A. B. 195.....	408
283	An act to amend Section 412 of the Penal Code with reference to sparring exhibitions and prize fights. Approved March 25, 1903.....	A. B. 969.....	409
284	An act to amend Section 457 of the Political Code. Approved March 25, 1903.....	A. B. 622.....	410
285	An act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation. Approved March 25, 1903.....	A. B. 192.....	411
286	An act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements. Approved March 25, 1903.....	A. B. 908.....	412
287	An act to repeal an act entitled "An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901. Approved March 25, 1903.....	S. B. 920.....	414
288	An act to amend Section 485 of the Political Code and to provide for the appointment of a deputy surveyor-general, and an assistant surveyor-general, and a clerk for the surveyor-general and to fix their compensation. Approved March 25, 1903.....	A. B. 571.....	415
289	An act to amend an act entitled "An act providing for the construction and furnishing of a residence for the governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the governor's approval on March 7, 1899. Approved March 25, 1903.....	A. B. 371.....	415



Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
290	An act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same. Approved March 25, 1903.	A. B. 43	418
291	An act to pay the claim of Tیره L. Ford, and making an appropriation therefor. Approved March 25, 1903.	A. B. 387	419
292	An act making an appropriation of \$500.00 for the purpose of carpeting, repairing and repainting furniture in, and furnishing the office of the clerk of the supreme court in the city and county of San Francisco, State of California. Approved March 25, 1903.	A. B. 685	419
293	An act to provide for the completion of the modern hospital building for the Veterans' Home, located at Yountville, Napa county, State of California, now in course of construction, and appropriating money therefor. Approved March 25, 1903.	A. B. 201	420
294	An act to appropriate the sum of \$7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same. Approved March 25, 1903.	S. B. 37	420
295	An act to appropriate \$30,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the board of managers of said state hospital; to appropriate money therefor and provide for the expenditure of the same. Approved March 25, 1903.	S. B. 22	421
296	An act making an appropriation for the purchase and installment of improved material and machinery, and improvements for state printing office and bindery, and specifying the duties of superintendent of state printing, board of examiners, state controller, and state treasurer in relation thereto. Approved March 25, 1903.	A. B. 821	422
297	An act to provide for the purchase of fire apparatus and machinery for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Approved March 25, 1903.	A. B. 697	423
298	An act making an appropriation to pay the claim of Martin Brothers against the State of California. Approved March 25, 1903.	A. B. 963	423
299	An act authorizing and directing the board of managers of the Agnews state hospital to make certain repairs and improvements at the Agnews State Hospital. Approved March 25, 1903.	A. B. 839	424
300	An act to provide for the preservation, improvement and maintenance of the "California Redwood Park" in Santa Cruz county, and making an appropriation therefor. Approved March 25, 1903.	A. B. 811	424
301	An act to pay the claim of the California State Agricultural Society against the state and appropriating money therefor. Approved March 25, 1903.	A. B. 321	425
302	An act to appropriate \$8,875.00 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled, "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.	A. B. 85	425

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
303	An act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor. Approved March 25, 1903.....	A. B. 794.....	426
304	An act to pay the claim of George Williams against the State of California. Approved March 25, 1903.....	A. B. 647.....	427
305	An act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C. H. Blemmer, from the State of California. Approved March 25, 1903.....	A. B. 629.....	427
306	An act making an appropriation of \$52.40 to pay the claim of J. D. Collins, sheriff of Fresno county, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899. Approved March 25, 1903.....	A. B. 610.....	428
307	An act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the superior court of the State of California, in and for the county of Merced. Approved March 25, 1903.....	S. B. 470.....	428
308	An act making an appropriation to pay the claim of A. W. Rapelye against the State of California. Approved March 25, 1903.....	A. B. 166.....	429
309	An act entitled an act to appropriate the sum of \$211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guards of California during the month of July, 1894. Approved March 25, 1903.....	A. B. 137.....	430
310	An act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the state controller to draw his warrant for the same, and the state treasurer to pay the same. Approved March 25, 1903.....	S. B. 914.....	430
311	An act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the state board of examiners. Approved March 25, 1903.....	S. B. 206.....	431
312	An act to provide for purchasing land for the state fish hatchery at Sisson, in Siskiyou county, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor. Approved March 25, 1903.....	S. B. 183.....	434
313	An act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California. Approved March 25, 1903.....	S. B. 509.....	434
314	An act to provide for the appointment of a board of Colton Hall trustees, and for the leasing of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property. Approved March 25, 1903.....	S. B. 13.....	435
315	An act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also for preparing and printing literature relating to the state for distribution at said exposition, and providing a commission and expense of commission and attachés. Approved March 25, 1903.....	S. B. 202.....	436

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
316	An act to appropriate the sum of \$432.03 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California. Approved March 25, 1903.....	S. B. 613.....	438
317	An act to appropriate the sum of \$2,218.50 to pay the claim of William Fahey, for moneys due and owing the said William Fahey from the State of California. Approved March 25, 1903.....	Com. Sub. S. B. 102.....	438
318	An act to appropriate money to pay the claim of T. W. Spring Co. against the State of California, during the railroad strike of 1895. Approved March 25, 1903.....	S. B. 153.....	439
319	An act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same. Approved March 25, 1903.....	S. B. 327.....	439
320	An act to pay the claim of Louis Shuckman, and making an appropriation therefor. Approved March 25, 1903.....	S. B. 889.....	440
321	An act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year. Approved March 25, 1903.....	S. B. 670.....	440
322	An act to pay the claim of James T. Boyd. Approved March 25, 1903.....	S. B. 651.....	440
323	An act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the county of El Dorado, State of California. Approved March 25, 1903.....	S. B. 385.....	441
324	An act to appropriate \$6,725 to pay the judgment against the state to recover in cause numbered 1311, superior court of Modoc county, in an action entitled "Benjamin Lauer vs. The State of California." Approved March 25, 1903.....	A. B. 347.....	441
325	An act making an appropriation to pay the judgment of \$370 obtained in the superior court of the State of California, in and for the county of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in judgment book "3," page 501, of said superior court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant. Approved March 25, 1903.....	A. B. 479.....	442
326	An act to appropriate the sum of \$290 to pay the claim of George Conway, for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the superior court of Merced county, California, on the 25th day of November, 1902, under the provisions of an act of the legislature of the State of California entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein," approved March 23, 1901. Approved March 25, 1903.....	A. B. 477.....	443
327	An act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker based upon a judgment recovered by the said M. Zirker against the State of California in the superior court of Merced county, California, on the 25th day of November, A. D. 1902, under the provisions of an act of the legislature of the State of California entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901. Approved March 25, 1903.....	A. B. 476.....	444

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
328	An act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in judgment book No. 19 of department two of said superior court at page 391. Approved March 25, 1903....	A. B. 469....	445
329	An act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the superior court of San Benito county, November 30, 1901, for and on account of claims for bounty on coyote scalps. Approved March 25, 1903.....	A. B. 98....	446
330	An act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in judgment book No. 19 of department one of said superior court, at page 392. Approved March 25, 1903....	A. B. 3....	447
331	An act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in judgment book No. 19 of department one of said superior court, at page 393. Approved March 25, 1903.....	A. B. 4....	448
332	An act making an appropriation to pay a judgment for the sum of \$3,195, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in judgment book No. 20 of department one of said superior court, at page 221. Approved March 25, 1903.....	A. B. 5....	450
333	An act to appropriate \$2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.	A. B. 364....	451
334	An act to appropriate \$45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.	A. B. 365....	452
335	An act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the superior court of the State of California, in and for the county of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor. Approved March 25, 1903.....	A. B. 373....	453
336	An act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the superior court of the county of Butte. Approved March 25, 1903.....	A. B. 390....	454

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
337	An act to appropriate \$2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled the Farmers' Exchange Bank of San Bernardino vs. The State of California, on the 25th day of April, 1902, in the superior court of the State of California in and for the county of San Bernardino. Approved March 25, 1903.....	A. B. 400.....	455
338	An act making an appropriation to pay the judgment of \$1,125 rendered in and by the superior court of the State of California, in and for the county of Calaveras, on the 4th day of December, 1902, in an action in said court, entitled John Raggio, plaintiff, versus The State of California, defendant, and which judgment was entered of record on December 4, 1902, in said superior court, in judgment book No. "3" of judgments of the superior court of Calaveras county, page 333. Approved March 25, 1903.....	A. B. 425.....	456
339	An act to appropriate \$59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.....	A. B. 84.....	457
340	An act to appropriate \$14,320 to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984, upon the register of the superior court of Tulare county. Approved March 25, 1903.....	A. B. 507.....	458
341	An act making an appropriation to pay the judgment of \$550 obtained in the superior court of the State of California, in and for the county of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in judgment book "3," page 507, of said superior court, now held by William Going, plaintiff, vs. The State of California, defendant. Approved March 25, 1903.....	A. B. 480.....	459
342	An act making an appropriation to pay a judgment for the sum of \$6,880 rendered in and by the superior court of the county of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in judgment book No. 16, of department two of said superior court, at page 29. Approved March 25, 1903.....	A. B. 552.....	460
343	An act to appropriate the sum of \$550 to pay the claim of M. A. Forster against the State of California, upon a judgment recovered in an action entitled, "M. A. Forster vs. The State of California," in the superior court of the county of Orange. Approved March 25, 1903.....	A. B. 660.....	461
344	An act to appropriate \$3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California, upon a judgment recovered in an action entitled, "Commercial Bank of Madera (a corporation) vs. The State of California," numbered 9676 upon the register of the superior court of the county of Fresno, State of California. Approved March 25, 1903.....	A. B. 494.....	462
345	An act to appropriate \$355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in judgment book "I" at page 570, in the superior court of the county of Placer. Approved March 25, 1903.....	A. B. 473.....	463

Chap.	TITLE OF ACT.	No. of Bill and where in- troduced.	Page.
346	An act to appropriate the sum of \$140 to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez, against the State of California in the superior court of Orange county, California, on the 21st day of April, 1902, under the provisions of an act of the legislature of the State of California entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein," approved March 23, 1901. Approved March 25, 1903.....	A. B. 872.....	464
347	An act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the superior court of the State of California, in and for the county of Fresno, on the 6th day of January, 1903, and making an appropriation therefor. Approved March 25, 1903.....	A. B. 770.....	465
348	An act making an appropriation to pay the judgment against the State of California, recovered by Oscar R. Brown, in the superior court of Mono county, September 20, 1902, for and on account of claims for bounty on coyote scalps. Approved March 25, 1903.....	A. B. 688.....	466
349	An act to appropriate \$2,400 to pay the judgment against the state to recover in cause numbered 1328, superior court of Modoc county, in an action entitled "James T. Laird vs. The State of California." Approved March 25, 1903.....	A. B. 607.....	467
350	An act making an appropriation to pay a judgment for the sum of \$600.00, rendered in and by the superior court of the city and county of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in judgment book No. 67 of department eight of said superior court, at page 575. Approved March 25, 1903.....	A. B. 580.....	468
351	An act making an appropriation to pay a judgment for the sum of \$3,840, rendered in and by the superior court of the county of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in judgment book No. 16, of department two of said superior court, at pages 28 and 29. Approved March 25, 1903.....	A. B. 597.....	469
352	An act making an appropriation to pay the judgment of \$465 obtained in the superior court of the State of California, in and for the county of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in judgment book "K," page 131, of said superior court, now held by George Hornage, plaintiff, vs. The State of California, defendant. Approved March 25, 1903.....	A. B. 142.....	470
353	An act to appropriate \$4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.....	A. B. 87.....	471
354	An act to appropriate \$4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.....	A. B. 93.....	472

Chap.	TITLE OF ACT.	No of Bill and where In- troduced.	Page.
355	An act to appropriate \$460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.....	A. B. 95....	473
356	An act to appropriate \$1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.....	A. B. 88....	474
357	An act to appropriate \$3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the superior court of the county of Sacramento. Approved March 25, 1903.....	A. B. 92....	475
358	An act authorizing the commissioner of public works to obtain a right of way for a canal to divert the waters of Mormon channel into the Calaveras river, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same. Approved March 25, 1903.....	S. B. 913....	476
359	An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies. Approved March 25, 1903.....	S. B. 468....	476
360	An act relating to the justices' courts in cities and counties of more than 200,000 population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation. Approved March 25, 1903.....	A. B. 501....	477
361	An act to add a new title to Part IV of an act entitled "An act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by state officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns. Approved March 25, 1903.....	S. B. 567....	478
362	An act to amend an act entitled, "An act to create and establish a commission for revising, systematizing, and reforming the laws of this state and for the appointment of the members of said commission, to be known as "the commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 25, 1895. Approved March 25, 1903.....	Com.Sub. for S. B.'s 638, 881,643, and A. B. 586....	479
363	An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor. Approved March 25, 1903.....	A. B. 18....	482
364	An act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the state commission in lunacy, to provide for the government and management of state hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons. Approved March 26, 1903.....	A. B. 614....	485

Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
365	An act-making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara county, California. Approved March 26, 1903	A. B. 124	514
366	An act to provide for locating and surveying a proposed highway from a point on the Trinity river, in Trinity county, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt county, and making an appropriation therefor. Approved March 26, 1903	A. B. 694	515
367	An act making an appropriation of \$6,000, for improving and grading the grounds of the affiliated colleges of the University of California, in the city and county of San Francisco, and prescribing the duties of the controller and the treasurer in relation thereto. Approved March 26, 1903	A. B. 489	516
368	An act appropriating money to the auditing board to the commissioner of public works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith. Approved March 25, 1903	S. B. 389	517
369	An act making an appropriation of \$5,000 to pay the claim of Frank H. Short for legal services rendered the state. Approved March 26, 1903	A. B. 531	518
370	An act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir. Approved March 26, 1903	S. B. 366	518
371	An act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor. Approved March 26, 1903	S. B. 445	519
372	An act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the superior court of the State of California, in and for the county of Merced. Approved March 26, 1903	S. B. 471	519
373	An act appropriating \$5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California. Approved March 26, 1903	S. B. 661	520
374	An act making an appropriation to pay the claim of the county of Marin against the State of California. Approved March 25, 1903	S. B. 915	521
375	An act appropriating money to pay the claim of W. H. Murray, state superintendent of ramie culture. Approved March 26, 1903	S. B. 625	521
376	An act to amend an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, adding a new section thereto to be numbered Section 7, relating to an annual license fee. Approved March 26, 1903	S. B. 574	522
377	An act for the protection of the viticultural interests of the state, and making an appropriation therefor. Approved March 26, 1903	S. B. 375	522



Chap.	TITLE OF ACT.	No. of Bill and where introduced.	Page.
378	An act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga road" at or near the "Tioga mine," and making an appropriation therefor. Approved March 26, 1903.....	A. B. 241.....	523
379	An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the laws of 1883, Chapter VII of the laws of 1885, Chapter LXXXVI of the laws of 1889, and Chapter CXCV of the laws of 1891. Approved March 26, 1903.....	S. B. 634.....	524
380	An act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years. Approved March 26, 1903.....	A. B. 924.....	529
381	An act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor. Approved March 26, 1903.....	S. B. 26.....	547
382	An act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor. Approved March 26, 1903.....	S. B. 5.....	547
383	An act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor. Approved March 26, 1903.....	S. B. 305.....	548
384	An act for the relief of Charles D. Douglas. Approved March 26, 1903.....	S. B. 273.....	548
385	An act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor. Approved March 26, 1903.....	S. B. 637.....	549

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
1	Relative to House Resolution 14,898, entitled "An act relating to jurisdiction on appeals in the court of appeals in the District of Columbia, and transcripts on appeals in said court, and to quiet title to public lands." Adopted January 23, 1903.....	S. J. R. 1.....	553
2	Relative to inaugural ceremonies. Adopted January 23, 1903.....	S. C. R. 1.....	553
3	Relative to death of the Hon. J. H. Seawell, ex-member of either house. Adopted January 23, 1903.....	S. C. R. 2.....	554
4	Relative to the death of Hon. Lawrence J. Dwyer, ex-member of either house. Adopted January 23, 1903.....	S. C. R. 3.....	554
5	Relative to an appropriation by congress for the purchase of Nacimiento ranch for a military instruction camp. Adopted January 23, 1903.....	S. J. R. 4.....	554

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
6	Approving thirteen certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the 1st day of December, 1902. Adopted January 30, 1903.....	S. C. R. 4.....	555
7	Relative to opening and publishing the returns of the election of governor and lieutenant-governor. Adopted February 4, 1903.....	A. C. R. 1.....	582
8	Relative to committee on inaugural ball. Adopted February 4, 1903.....	A. C. R. 2.....	582
9	Relative to the inaugural ball. Adopted February 4, 1903.....	A. C. R. 3.....	583
10	Relative to the recent death of Hon. F. C. Franck, of Santa Clara county. Adopted February 4, 1903.....	S. C. R. 9.....	583
11	Approving seven certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the 4th day of December, 1902. Adopted February 5, 1903.....	S. C. R. 5.....	583
12	Relative to the consent of the legislature to the absence of his excellency, George C. Pardee, Governor of the State of California, from the state for more than sixty (60) days. Adopted February 5, 1903.....	S. C. R. 8.....	597
13	Relative to about seven million acres of public land in this state withdrawn from public entry by the commissioner of the general land office as proposed forest reserve, and requesting investigation before making said reserves permanent. Adopted February 6, 1903.....	A. J. R. 4.....	597
14	A resolution to propose to the people of the State of California an amendment to the constitution, by adding thereto a new section to Article IX to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences." Adopted February 6, 1903.....	S. C. A. 4.....	598
15	Approving the charter of Salinas City, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 12th day of January, 1903. Adopted February 11, 1903.....	S. C. R. 10.....	599
16	Relating to the creation of proposed forest reserves in the State of California, and requesting the boards of supervisors and district attorneys of counties therein affected thereby to gather and compile data, information, statistics and maps showing the injurious effects of the creation of such reserves. Adopted February 12, 1903.....	S. C. R. 7.....	645
17	Relative to the construction of restraining dams and diverting canals on the Bear and American rivers. Adopted February 16, 1903.....	A. J. R. 1.....	646
18	Approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902. Adopted February 16, 1903.....	A. C. R. 4.....	647
19	Relative to the House of Representatives Bill No. 14,443, pertaining to a national conservatory of music and art. Adopted February 19, 1903.....	A. J. R. 3.....	678

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20	Relative to the appropriate observance of the anniversary of Washington's birthday. Adopted February 20, 1903.....	A. C. R. 8..	679
21	Relative to appointment of committee to receive the President of the United States upon his visit to California. Adopted February 23, 1903.....	Sub. S. C. R. 6	679
22	Relative to the proposed transfer to Washington by the secretary of the interior of the old and valuable Spanish archives of California. Adopted February 23, 1903.....	S. J. R. 13..	680
23	Relative to appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission. Adopted February 23, 1903.....	S. J. R. 14..	680
24	Relating to the purchasing and making free, by the United States government, of the toll roads over the Yosemite National Park, in the State of California. Adopted February 26, 1903.....	S. J. R. 8..	681
25	To propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto to be numbered Section 10½, in relation to revenue and taxation. Adopted February 26, 1903.....	A. C. A. 17..	682
26	Relative to requesting congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States senators by the direct vote of the people. Adopted February 27, 1903.....	A. J. R. 8..	682
27	Memorializing our senators and representatives in congress to secure a reconsideration of the order of the federal authorities, transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California. Adopted February 27, 1903.....	A. J. R. 14..	683
28	Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903. Adopted March 3, 1903.....	S. C. R. 16..	684
29	Memorializing congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal groves of the California Sequoia gigantea in Calaveras and Tuolumne counties. Adopted March 4, 1903.....	S. J. R. 11..	688
30	Relative to the consent of the legislature to absence from the state of State Senator C. W. Pendleton for a period not to exceed six months. Adopted March 5, 1903.....	S. C. R. 15..	688
31	Approving twelve amendments to the charter of the City of Napa, a municipal corporation, in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 16th day of February, 1903. Adopted March 6, 1903.....	A. C. R. 9..	689
32	Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the 2d day of April, 1902. Adopted March 6, 1903.....	A. C. R. 12..	702
33	A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section to be numbered "one and three quarters," relative to exemption of shipping from taxation. Adopted March 6, 1903.....	S. C. A. 11..	734

Chap.	CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.	Number and where introduced.	Page.
34	Requesting our senators and representatives in congress to have the battleships of the United States built in the navy yards of the United States. Adopted March 6, 1903.....	S. J. R. 15...	735
35	Relative to adjournment. Adopted March 12, 1903.....	A. C. R. 11...	735
36	Relative to the printing for distribution by the secretary of state to certain county officers of additional copies of Senate Bills Nos. 792 and 793. Adopted March 13, 1903.....	S. C. R. 19...	736
37	A resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the legislature, and limiting the number of employes of the senate and assembly, and by amending Section 4 of Article V relating to declaring elections of governor. Adopted March 13, 1903.....	S. C. A. 20...	736
38	To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 4, 10, 12, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal. Adopted March 14, 1903.....	Com. Sub. for S. C. A. 2....	737
39	A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State of California by adding a new section thereto to be numbered Section 24½ of Article IV, relating to the power of the legislature to amend existing codes. Adopted March 14, 1903....	A. C. A. 26..	742
40	Relative to the consent of the legislature to absence from the state of Assemblymen John G. Mattos Jr., Grove L. Johnson, and William H. Waste, John Goodrich, and Thomas J. Kirk, superintendent of public instruction, for a period not to exceed six months. Adopted March 14, 1903.....	A. C. R. 14..	743

# LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF SUPREME COURT, SENATORS, MEMBERS OF ASSEMBLY, AND OF OFFICERS OF BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

## STATE OFFICERS.

Name.	Official Position.	Residence.
George C. Pardee .....	Governor .....	Oakland.
J. Alden Anderson .....	Lieutenant-Governor .....	Suisun.
Charles F. Curry .....	Secretary of State .....	San Francisco.
E. P. Colgan .....	Controller .....	Santa Rosa.
Truman Reeves .....	Treasurer .....	San Bernardino.
Ulysses S. Webb .....	Attorney-General .....	Quincy.
Victor H. Woods .....	Surveyor-General .....	San Luis Obispo.
Thomas J. Kirk .....	Superintendent of Public Instruction .....	Fresno.
W. W. Shannon .....	Superintendent of State Printing .....	San Francisco.
George Stone .....	Adjutant-General .....	San Francisco.
James L. Gillis .....	State Librarian .....	Sacramento.
Alfred B. Nye .....	Private Secretary to the Governor .....	Oakland.
J. A. Elston .....	Executive Secretary to the Governor .....	Berkeley.

## STATE BOARD OF EQUALIZATION.

Name.	District.	Residence.
William H. Alford .....	First .....	San Francisco.
Alex. Brown .....	Second .....	Milton.
R. H. Beamer .....	Third .....	Woodland.
Frank Mattison .....	Fourth .....	Santa Cruz.
E. P. Colgan .....	Ex officio .....	Santa Rosa.
Charles M. Cogan .....	Secretary .....	Sacramento.

## SUPREME COURT.

Name.	Official Position.	Residence.
W. H. Beatty .....	Chief Justice .....	San Francisco.
T. B. McFarland .....	Associate Justice .....	San Francisco.
F. W. Henshaw .....	Associate Justice .....	Oakland.
Walter Van Dyke .....	Associate Justice .....	Los Angeles.
F. M. Angellotti .....	Associate Justice .....	San Rafael.
Lucien Shaw .....	Associate Justice .....	Los Angeles.
Wm. G. Lorigan .....	Associate Justice .....	San José.
Frank C. Jordan .....	Clerk .....	Oakland.

LIST OF OFFICERS.

SENATORS.

HON. J. ALDEN ANDERSON ..... President.  
 HON. THOMAS FLINT, JR. .... President pro tem.  
 FRANK J. BRANDON ..... Secretary.

Dist.	Name.	County.	Postoffice.
22	Bauer, Hamilton A. (R.)	San Francisco	1838 Geary St.
*11	Belshaw, Chas. M. (R.)	Contra Costa, Marin	Antioch.
18	Bunkers, Harry (D.U.L.)	San Francisco	1923 Mission St.
29	Byrnes, J. D. (R.)	Santa Cruz, San Mateo	San Mateo.
39	Caldwell, A. A. (R.)	Orange, Riverside	Riverside.
2	Coggins, Clifford (R.)	Lassen, Modoc, Shasta, Siskiyou	La Moine, Shasta Co.
*7	Corlett, Robert (R.)	Lake, Napa	Napa.
12	Curtin, J. B. (D.)	Madera, Mariposa, Merced, Stanislaus, Tuolumne	Sonora.
*13	Devlin, Robt. T. (R.)	Sacramento	1514 O St., Sacto.
6	Diggs, Marshall (D.)	Butte, Sutter, Yolo, Yuba	Marysville.
32	Emmons, E. J. (D.)	Kern, Kings, Tulare	Bakersfield.
*33	Flint, Thomas, Jr. (R.)	Monterey, San Benito	San Juan.
20	French, Frank (R.)	San Francisco	230 Duncan St.
*35	Greenwell, C. B. (R.)	Santa Barbara, Ventura	Santa Barbara.
36	Hahn, Benjamin W. (R.)	Los Angeles	Pasadena.
30	Hubbell, O. Z. (R.)	Inyo, San Bernardino	Ontario.
14	Knowland, Joseph R. (R.)	Alameda	Alameda.
*5	Lardner, Wm. B. (R.)	El Dorado, Placer	Auburn.
16	Leavitt, Frank W. (R.)	Alameda	174 Tenth St., Oak.
*9	Luchsinger, J. J. (R.)	Solano	Vallejo.
*27	Lukens, G. Russell (R.)	Alameda	Oakland.
*15	Muenter, A. E. (R.)	San Joaquin	Lathrop.
25	Nelson, John H. (R.)	San Francisco	133 Pfeiffer St.
*31	Oneal, Louis (R.)	Santa Clara	San José.
38	Pendleton, C. W. (R.)	Los Angeles	Los Angeles.
*17	Plunkett, J. W. (D.)	San Francisco	38 Clementina St.
10	Ralston, Wm. C. (R.)	Alpine, Amador, Calaveras, El Dorado, Mono	Melones, Cal'vras Co.
26	Rowell, Chester (R.)	Fresno	Fresno.
4	Sanford, J. B. (D.)	Colusa, Glenn, Lake, Mendocino	Ukiah.
34	Savage, Wm. H. (R.)	Los Angeles	San Pedro.
1	Selvaige, Thos. H. (R.)	Del Norte, Humboldt, Tehama, Trinity	Eureka.
28	Shortridge, Chas. M. (R.)	Santa Clara	San José.
37	Smith, Fred M. (R.)	Los Angeles	Los Angeles.
23	Tyrrell, John G. (R.)	San Francisco	1634 Washington St.
3	Tyrrell, John R. (R.)	Nevada, Placer, Plumas, Sierra	Grass Valley.
40	Ward, M. L. (R.)	San Diego	Chula Vista.
19	Welch, Richard J. (R.)	San Francisco	829 22d St.
24	Williams, Geo. H. (R.)	San Francisco	1019 1/2 Clay St.
21	Wolfe, Edward I. (R.)	San Francisco	647 Baker St.
8	Woodward, E. F. (R.)	Sonoma	Santa Rosa.

\* Old district numbers.

OFFICERS OF THE SENATE.

Name.	Official Position.
J. Alden Anderson, of Suisun	President.
Thomas Flint, Jr., of San Juan	President pro tem.
F. J. Brandon, of San José	Secretary.
Fred L. Thomas, of San José	Assistant Secretary.
I. S. Logan, of Riverside	Assistant Secretary.
Clark Alberti, of San Diego	Assistant Secretary.
J. Louis Martin, of San Francisco	Sergeant-at-Arms.
D. G. Holt, of Santa Monica	Minute Clerk.
I. M. King, of Salinas	Journal Clerk.
W. R. Porter, of San Bernardino	Engrossing and Enrolling Clerk.
Sam Wacholder, of San Francisco	History Clerk.
Miss Mamie Luchsinger, of Vallejo	Postmaster.
Rev. C. L. Miel, of Sacramento	Chaplain.

## LIST OF OFFICERS.

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## ASSEMBLYMEN.

HON. ARTHUR G. FISK..... Speaker.  
 HON. HENRY E. CARTER..... Speaker pro tem.  
 CLIO LLOYD..... Chief Clerk.

Dist.	Name.	County.	Postoffice.
39	Allen, W. W., Jr. (R.)	San Francisco	1585 Tenth Ave.
77	Amerige, E. R. (R.)	Orange	Fullerton.
25	Bangs, V. E. (D.)	Madera, Merced, Stanislaus.	Modesto.
42	Barber, P. S. (R.)	San Francisco	129 Hyde St.
79	Barnes, F. W. (R.)	San Diego	Pacific Beach.
47	Bates, J. Clem., Jr. (R.)	Alameda	2017 R. E. Ave., Ala.
26	Baxter, E. N. (D.)	Mariposa, Tuolumne	Wawona.
57	Black, Marshall (R.)	Santa Clara	Palo Alto.
50	Bliss, John A. (R.)	Alameda	1902 Tel. Ave., Oak.
45	Boisson, Geo. C. (R.)	San Francisco	979 Union St.
53	Brown, H. W. (R.)	San Mateo	Colma.
80	Burgess, John G. (R.)	San Diego	El Cajon.
69	Camp, Edgar W. (R.)	Los Angeles	Sierra Madre.
75	Carter, Henry E. (R.)	Los Angeles	226 S. Spring St., L.A.
32	Copus, J. N. (D.U.L.)	San Francisco	1510 25th St.
62	Covert, John G. (D.)	Kings	Hanford.
13	Cromwell, F. A. (R.)	Sonoma	Petaluma.
66	Dorsey, J. R. (R.)	Kern	Bakersfield.
58	Dougherty, W. J. (D.)	San Benito	San Juan.
61	Drew, A. M. (R.)	Fresno	Fresno.
54	Duffey, A. D. (D.)	Santa Cruz	Ben Lomond.
14	Dunbar, Charles O. (D.)	Sonoma	Santa Rosa.
23	Dunlap, F. E. (R.)	San Joaquin	Stockton.
10	Duryea, F. A. (R.)	El Dorado, Placer	Lincoln.
22	Ells, Harry (R.)	Contra Costa	Stege.
29	Finn, Thomas F. (D.U.L.)	San Francisco	239 Fifth St.
37	Fisk, Arthur G. (R.)	San Francisco	700 Hayes St.
51	Foster, Dr. N. K. (R.)	Alameda	1266 23d Ave., Oak.
34	Gleeson, William H. (R.)	San Francisco	132 Sanchez St.
67	Goodrich, John A. (R.)	Los Angeles	Pasadena.
19	Greer, W. W. (R.)	Sacramento	Oak Park.
4	Grotfend, George A. (D.)	Lassen, Modoc, Shasta	Redding.
44	Hart, James D. (R.)	San Francisco	427 Sutter St.
18	Higgins, J. M. (R.)	Sacramento	Sacramento.
74	Houser, Frederick W. (R.)	Los Angeles	Wilson Block, L. A.
12	Howard, B. F. (D.)	Colusa, Glenn, Lake	Colusa.
63	John, Warren M. (R.)	San Luis Obispo	San Luis Obispo.
17	Johnson, Grove L. (R.)	Sacramento	Sacramento.
68	Johnstone, W. A. (R.)	Los Angeles	San Dimas.
70	Kelso, W. H. (R.)	Los Angeles	Inglewood.
33	Kerrigan, M. J. (D.U.L.)	San Francisco	1117 Sutter St.
20	Killingsworth, W. S. (D.)	Solano	Vacaville.
15	King, Percy S. (R.)	Napa	Napa.
35	Knight, Edward D. (R.)	San Francisco	751 Guerrero St.
1	Leininger, C. W. (R.)	Del Norte, Siskiyou, Trinity	Weaverville.
78	Lewis, Frank D. (R.)	Riverside	Riverside.
38	Lewis, Marcus (R.)	San Francisco	704 Golden Gate Ave.
27	Lumley, A. M. (D.)	Inyo, Tulare	Porterville.
41	Lux, Frederick (R.)	San Francisco	1214 Vallejo St.
36	Mahany, A. M. (D.U.L.)	San Francisco	1117 Sutter St.
46	Mattos, John G., Jr. (R.)	Alameda	Centerville.
72	McCartney, H. S. G. (R.)	Los Angeles	379 Wilcox Block, L.A.
16	McConnell, J. I. (D.)	Yolo	Woodland.
11	McKenney, C. H. (R.)	Amador, Alpine, Calaveras, Mono	Ione.
8	McLaughlin, A. C. (R.)	Sutter, Yuba	Yuba City.
30	McMahon, Abner (D.U.L.)	San Francisco	9 Sumner St.
43	McMartin, Wm. H. R. (R.)	San Francisco	1236 Market St.
3	McNeil, B. H. (R.)	Humboldt	Rohnerville.
24	Moore, J. W. (R.)	San Joaquin	Undine.
49	Mott, John W. (R.)	Alameda	1772 Seventh St., Oak.
28	Murphy, John M. (U.L.)	San Francisco	44 Clementina St.
21	Olmsted, S. H. (R.)	Marin	San Rafael.
65	Pann, Chris. P. (R.)	Ventura	Santa Paula.
76	Prescott, Frank (R.)	San Bernardino	Redlands.

## ASSEMBLYMEN—Continued.

Dist.	Name.	County.	Postoffice.
64	Pyle, E. M. (R.)	Santa Barbara	Santa Barbara.
2	Rolley, George T. (R.)	Humboldt	Eureka.
31	Siskron, Chas. A. (D. U. L.)	San Francisco	19B Kissing St.
9	Snyder, Jo V. (D.)	Nevada	Nevada City.
5	Soward, F. D. (R.)	Plumas, Sierra, Tehama	Downieville.
7	Stansell, Fred R. (R.)	Butte	Neelson.
71	Stanton, Phil A. (R.)	Los Angeles	144 S. Broadway, L. A.
59	Steadman, M. B. (R.)	Monterey	Monterey.
40	Susman, Leo H. (R.)	San Francisco	2128 Pine St.
60	Traber, J. O. (R.)	San Francisco	Fresno.
73	Transue, J. P. (R.)	Los Angeles	Stimson Block, L. A.
55	Walker, G. S. (R.)	Santa Clara	Los Gatos.
48	Walsh, Philip M. (R.)	Alameda	1067 Tenth St., Oak.
52	Waste, William H. (R.)	Alameda	2222 Durant Ave., Berk.
6	Weger, F. M. (D.)	Mendocino	Ukiah.
56	Wright, Eli (R.)	Santa Clara	San José.
54	Wanzer, Harry S. (R.)	Santa Cruz	Santa Cruz.

## OFFICERS OF THE ASSEMBLY.

Name.	Official Position.
Arthur G. Fisk, of San Francisco	Speaker.
Henry E. Carter, of Los Angeles	Speaker pro tem.
Clio Lloyd, of Santa Barbara	Chief Clerk.
J. T. Stafford, of Sacramento	Sergeant-at-Arms.
A. A. Wood, of Riverside	Minute Clerk.
R. L. Dempsey, of San Luis Obispo	Journal Clerk.
J. A. Galland, of San Francisco	Engrossing and Enrolling Clerk.
Burt H. Swan, of Berkeley	History Clerk.
Ida Thomas, of San Francisco	Postmaster.
Rev. J. B. Stevenson, of Sacramento	Chaplain.



# COMMISSIONERS OF DEEDS.

Name.	Residence.	Term Expires.
<b>Connecticut.</b>		
Livingston W. Cleaveland .....	New Haven .....	Aug. 28, 1903
<b>District of Columbia.</b>		
R. Woodland Gates .....	Washington .....	Nov. 22, 1903
John E. Mitchell .....	Washington .....	April 9, 1904
Charles S. Bundy .....	Washington .....	Dec. 18, 1906
Anson S. Taylor .....	Washington .....	Feb. 26, 1907
<b>Illinois.</b>		
Wert E. Humphrey .....	Chicago .....	June 2, 1903
Simeon W. King .....	Chicago .....	June 21, 1905
Silas S. Willard .....	Chicago .....	Jan. 23, 1907
<b>Louisiana.</b>		
M. C. Soniat .....	New Orleans .....	May 15, 1906
John G. Eustis .....	New Orleans .....	Feb. 12, 1907
<b>Maine.</b>		
George F. McQuillan .....	Portland .....	Jan. 5, 1904
<b>Maryland.</b>		
Abraham H. Fisher .....	Baltimore .....	April 6, 1905
T. Howard Embert .....	Baltimore .....	Aug. 30, 1905
Harry C. Mathiew .....	Baltimore .....	Sept. 13, 1906
<b>Massachusetts.</b>		
Edward J. Jones .....	Boston .....	Feb. 3, 1904
Blanche Irene Brackett .....	Boston .....	Feb. 3, 1904
Arthur R. Torrey .....	Boston .....	June 25, 1904
Chas. Hall Adams .....	Boston .....	Feb. 5, 1907
<b>Missouri.</b>		
W. Eugene Parker .....	Kansas City .....	June 2, 1903
John A. Peck .....	St. Louis .....	Feb. 4, 1907
<b>New York.</b>		
Spencer C. Doty .....	New York City .....	May 16, 1903
Irvine D. York .....	New York City .....	June 2, 1903
Alfred Mackay .....	New York City .....	Aug. 28, 1903
Eleazer Jackson .....	New York City .....	Dec. 4, 1903
George H. Corey .....	New York City .....	Dec. 9, 1903
Charles Edgar Mills .....	New York City .....	Dec. 22, 1903
John J. Coady .....	New York City .....	Feb. 20, 1904
Henry W. Mitchell .....	New York City .....	April 5, 1904
C. L. Wiebe .....	Brooklyn .....	May 31, 1904
William Johnson .....	Buffalo .....	Sept. 18, 1904
William Shillaber .....	New York City .....	Jan. 22, 1905
Ella F. Braman .....	New York City .....	April 29, 1905
S. B. Goodale .....	New York City .....	June 8, 1905
H. Ballantyne .....	New York City .....	June 8, 1905
W. H. Black .....	New York City .....	June 11, 1905
Vincent Roseman .....	New York City .....	Oct. 11, 1905
Edwin F. Carey .....	New York City .....	Nov. 6, 1905
Isaac E. Garvey .....	New York City .....	Feb. 25, 1906
Joseph B. Braman .....	New York City .....	Mar. 5, 1907
William F. Lett .....	New York City .....	Mar. 25, 1907
<b>Ohio.</b>		
Joseph T. Harrison .....	Cincinnati .....	Aug. 11, 1906
<b>Oregon.</b>		
Charles G. Schnabel .....	Portland .....	Jan. 20, 1904
Eugene D. White .....	Portland .....	June 10, 1906
A. P. Tift .....	Portland .....	Aug. 23, 1906

## COMMISSIONERS OF DEEDS—Continued.

Name.	Residence.	Term Expires.
<b>Pennsylvania.</b>		
Thomas J. Hunt	Philadelphia	Nov. 28, 1903
William F. Robb	Pittsburg	Oct. 4, 1904
M. Walter Miller	Philadelphia	Nov. 6, 1905
Samuel L. Taylor	Philadelphia	April 22, 1906
John S. Wurts	Philadelphia	May 27, 1906
Robert W. Lloyd	Philadelphia	Dec. 27, 1906
Kinley J. Tenner	Philadelphia	April 3, 1907
<b>Philippine Islands.</b>		
Allison D. Gibbs	Manila	Feb. 3, 1904
Norman O. Byers	Manila	April 5, 1904
<b>Rhode Island.</b>		
Gilman E. Jopp	Providence	Nov. 24, 1903
<b>Virginia.</b>		
Adolph Michelsohn	Norfolk	June 26, 1905
<b>Washington.</b>		
Samuel S. Carlisle	Seattle	Aug. 3, 1905
<b>Great Britain.</b>		
Sydney H. Peddar	London, England	Feb. 3, 1904
James Gordon Mason	Edinburgh, Scotland	May 18, 1904
James T. Thompson	Berkerhead, Cheshire	July 30, 1904
William Campbell Everden	London, England	June 8, 1905
J. Burke Hendry	London, England	Aug. 30, 1905
Michel Timmons O'Connor	Killarney, Ireland	Sept. 24, 1905
George McIldowie, Jr.	Belfast, Ireland	Dec. 30, 1905
George Layton	Liverpool, England	Jan. 8, 1907
<b>Mexico.</b>		
William J. De Gress	City of Mexico	June 8, 1905
<b>Canada.</b>		
Willis E. Everette	Yukon Territory	June 25, 1904
<b>Australia.</b>		
Frank Osborne	Sydney	June 4, 1904
<b>Hawaii.</b>		
A. V. Gear	Honolulu	Jan. 31, 1904
George A. Davis	Honolulu	April 19, 1904
J. M. Monsarrat	Honolulu	April 24, 1904
Benjamin L. Marx	Honolulu	June 7, 1904
<b>Cuba.</b>		
Joseph A. Springer	Havana	Sept. 2, 1903
Luis Mariano de Bergara	Cienfuegos	Feb. 3, 1904
José Eugenio Marx	Havana	Aug. 25, 1904

# CONSTITUTION OF THE STATE OF CALIFORNIA.

## PREAMBLE AND DECLARATION OF RIGHTS.

### PREAMBLE.

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

### ARTICLE I.

#### DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or

property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

SEC. 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native-born citizens; *provided*, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; *and provided further*, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [Amendment adopted November 6, 1894.]

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

## ARTICLE II.

### RIGHT OF SUFFRAGE.

SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Quere-taro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [Amendment adopted November 6, 1894.]

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that

any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be optional in any city, city and county, county, or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive, without making compensation either general or uniform. [Amendment adopted November 6, 1900.]

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [Amendment adopted November 3, 1898.]

SEC. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose. [Amendment adopted November 4, 1902.]

## ARTICLE III.

### DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall commence at twelve o'clock *m.* on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which, they may be allowed pay for one hundred days. And no bill shall be introduced in either house after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two thirds of the members thereof.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be

numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts no county, or city and county shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

SEC. 7. Each house shall choose its officers, and judge of the qualifications, elections, and returns of its members.

SEC. 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9. Each house shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 12. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either house draw pay for any recess or adjournment for a longer time than three days.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If, after such reconsideration, it again passes both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriations so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

SEC. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal

from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

SEC. 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

SEC. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the state treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same *pro rata* appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 23. The members of the Legislature shall receive for their services a *per diem* and mileage, to be fixed by law, and paid out of the public treasury; such *per diem* shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

SEC. 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

*First*—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

*Second*—For the punishment of crimes and misdemeanors.

*Third*—Regulating the practice of courts of justice.

*Fourth*—Providing for changing the venue in civil or criminal actions.

*Fifth*—Granting divorces.

*Sixth*—Changing the names of persons or places.

*Seventh*—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

*Eighth*—Summoning and impaneling grand and petit juries, and providing for their compensation.

*Ninth*—Regulating county and township business, or the election of county and township officers.

*Tenth*—For the assessment or collection of taxes.

*Eleventh*—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

*Twelfth*—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

*Thirteenth*—Extending the time for the collection of taxes.

*Fourteenth*—Giving effect to invalid deeds, wills, or other instruments.

*Fifteenth*—Refunding money paid into the state treasury.

*Sixteenth*—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

*Seventeenth*—Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

*Eighteenth*—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

*Nineteenth*—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

*Twentieth*—Exempting property from taxation.

*Twenty-first*—Changing county seats.

*Twenty-second*—Restoring to citizenship persons convicted of infamous crimes.

*Twenty-third*—Regulating the rate of interest on money.

*Twenty-fourth*—Authorizing the creation, extension, or impairing of liens.

*Twenty-fifth*—Chartering or licensing ferries, bridges, or roads.

*Twenty-sixth*—Remitting fines, penalties, or forfeitures.

*Twenty-seventh*—Providing for the management of common schools.

*Twenty-eighth*—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

*Twenty-ninth*—Affecting the fees or salary of any officer.

*Thirtieth*—Changing the law of descent or succession.

*Thirty-first*—Authorizing the adoption or legitimation of children.

*Thirty-second*—For limitation of civil or criminal actions.

*Thirty-third*—In all other cases where a general law can be made applicable.

SEC. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [Amendment adopted November 4, 1902.]

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin, or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any court of competent jurisdiction.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the Legislature the members thereof shall vote viva voce, and the vote shall be entered on the journal.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, county and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal, or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legis-



lature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part; nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 36. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [Amendment adopted November 4, 1902.]

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; and when so convened it shall have no power to legislate on any subject other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto.

SEC. 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein. [Amendment adopted November 8, 1898.]

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President pro tempore of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [Amendment adopted November 8, 1898.]

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times, during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them, respectively, rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme Court, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city, or town, or city and county.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall

be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general State elections, at the time and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this Constitution.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in cases of forcible entry and detainer, and in proceedings in insolvency, and in actions to prevent or abate a nuisance, and in all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment or information in a court of record on questions of law alone. The court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any Superior Court in the State, or before any judge thereof.

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose, from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda there shall be elected two such judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the Judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected.

SEC. 10. Justices of the Supreme Court and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature, adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor, but no removal shall be made by virtue of this section, unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the journal.

SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

SEC. 12. The Supreme Court, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the

Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

SEC. 17. The Justices of the Supreme Court and Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. During the term of the first judges elected under this Constitution, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the judges of the City and County of San Francisco, and the counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma, who shall receive four thousand dollars each.

SEC. 18. The Justices of the Supreme Court and Judges of the Superior Courts shall be ineligible to any other office or public employment, than a judicial office or employment, during the term for which they shall have been elected.

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 20. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The Justices shall appoint a reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.

SEC. 22. No judge of a court of record shall practice law in any court of this State during his continuance in office.

SEC. 23. No one shall be eligible to the office of Justice of the Supreme Court, or to the office of Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. No Judge of a Superior Court, nor of the Supreme Court, shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary, unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.

## ARTICLE VII.

### PARDONING POWER.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

## ARTICLE VIII.

### MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.

## ARTICLE IX.

### EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new States under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 5. The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of primary and grammar schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of high schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [Amendment adopted November 4, 1902.]

SEC. 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein, and the principals of the state normal schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the state printing office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years; and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a Board of Education in each county in the State. The County Superintendents and the County Boards of Education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [Amendment adopted November 6, 1894.]

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the Organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several Acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by Act of Congress, approved July second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as provided by said Acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one College of Agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by

the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature. [Amendment adopted November 6, 1900.]

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [Amendment adopted November 6, 1900.]

## ARTICLE X.

### STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The board of directors shall have the charge and superintendence of the state prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employes of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

SEC. 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

## ARTICLE XI.

### COUNTIES, CITIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county

be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [Amendment adopted November 6, 1894.]

SEC. 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws. [Amendment adopted November 3, 1896.]

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [Amendment adopted November 6, 1894.]

SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the



choice of the voters, and may be voted on separately without prejudice to others. [Amendment adopted November 4, 1902.]

SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attachés.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [Amendment adopted November 3, 1896.]

SEC. 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

SEC. 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the City and County of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limita-

tions shall apply in any manner to these claims; and provided further, that the City of Vallejo, of Solano County, may pay its existing indebtedness incurred in the construction of its waterworks whenever two thirds of the electors thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. [Amendment adopted November 6, 1900.]

SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [Amendment adopted November 4, 1884.]

## ARTICLE XII.

### CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in this State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporations and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association during the term of office of such director or trustee.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons.

SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter, of any corporation now existing, or which shall hereafter exist, under the laws of this State.

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals; and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate, except such as may be necessary for carrying on its business.

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors

multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

SEC. 13. The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.

SEC. 14. Every corporation, other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial, as in other cases.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

SEC. 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket by a member of the Legislature, or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employé; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct

abuses through the medium of the courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employé of any such corporation or company, who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each house, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

Sec. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

Sec. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

### ARTICLE XIII.

#### REVENUE AND TAXATION.

SECTION 1. All property in the State, not exempt under the laws of the United States shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [Amendment adopted November 6, 1894.]

Sec. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [Amendment adopted November 6, 1900.]

Sec. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation. [Amendment adopted November 4, 1902.]

Sec. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

Sec. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

Sec. 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public

corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

Sec. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

Sec. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

Sec. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

Sec. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

Sec. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe as to county assessments, and under such rules of notice as the State Board may prescribe as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no Board of Equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization. [Amendment adopted November 4, 1894.]

Sec. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

Sec. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Sec. 12. The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the state school fund.

Sec. 12½. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [Amendment adopted November 6, 1894.]

Sec. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

#### ARTICLE XIV.

##### WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in

this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or City and County, or City, or Town Council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

SEC. 2. The right to collect rates or compensation for the use of waters supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

## ARTICLE XV.

### HARBOR FRONTAGE, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

SEC. 3. All tide lands within two miles of any incorporated city or town of this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

## ARTICLE XVI.

### STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liabilities, or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

## ARTICLE XVII.

### LAND AND HOMESTEAD EXEMPTION.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

## ARTICLE XVIII.

### AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty

of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

## ARTICLE XIX.

### CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

## ARTICLE XX.

### MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitu-

tion of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability.” And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

SEC. 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

SEC. 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work and prescribe proper penalties for the speedy and efficient enforcement of said law. [Amendment adopted November 4, 1902.]

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

## ARTICLE XXI.

### BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.



## ARTICLE XXII.

## SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the state printing office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said Clerk five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the inspectors of election, at each election precinct or polling place in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerks of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the com-

pletion of said canvass and returns, the said board shall immediately certify the same, in the usual form, to the Governor of the State of California.

Sec. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

Sec. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

Sec. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

Sec. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

Attest: EDWIN F. SMITH, Secretary.

J. P. HOGE, President.

A. R. ANDREWS,  
 JAMES J. AYRES,  
 CLITUS BARBOUR,  
 EDWARD BARRY,  
 JAMES N. BARTON,  
 C. J. BEERSTECHEE,  
 ISAAC S. BELCHER,  
 PETER BELL,  
 MARION BIGGS,  
 E. T. BLACKMER,  
 JOSEPH C. BROWN,  
 SAM'L B. BURT,  
 JOSIAH BOUCHER,  
 JAMES CAPLES,  
 AUG. H. CHAPMAN,  
 J. M. CHARLES,  
 JOHN D. CONDON,  
 C. W. CROSS,  
 HAMLET DAVIS,  
 JAS. E. DEAN,  
 P. T. DOWLING,  
 LUKE D. DOYLE,  
 W. L. DUDLEY,  
 JONATHAN M. DUDLEY,  
 PRESLEY DUNLAP,  
 JOHN EAGON,  
 THOMAS H. ESTEY,  
 HENRY EDGERTON,  
 M. M. ESTEE,  
 EDWARD EVEY,  
 J. A. FILCHER,  
 SIMON J. FARRELL,  
 ABRAHAM C. FREEMAN,  
 JACOB R. FREUD,  
 J. B. GARVEY,  
 B. B. GLASCOCK,  
 JOSEPH C. GORMAN,  
 W. P. GRACE,  
 WILLIAM J. GRAVES,  
 V. A. GREGG,  
 JNO. S. HAGER,  
 JOHN B. HALL,  
 THOMAS HARRISON,  
 JOEL A. HARVEY,  
 T. D. HEISKELL,  
 CONRAD HEROLD,

D. W. HERRINGTON,  
 S. G. HILBORN,  
 J. R. W. HITCHCOCK,  
 J. E. HALE,  
 VOLNEY E. HOWARD,  
 SAM. A. HOLMES,  
 W. J. HOWARD,  
 WM. P. HUGHEY,  
 W. F. HUESTIS,  
 G. W. HUNTER,  
 DANIEL INMAN,  
 GEORGE A. JOHNSON,  
 L. F. JONES,  
 PETER J. JOYCE,  
 J. M. KELLY,  
 JAMES H. KEYES,  
 JOHN J. KENNEY,  
 C. R. KLEINE,  
 T. H. LAINE,  
 HENRY LARKIN,  
 R. M. LAMPSON,  
 R. LAVIGNE,  
 H. M. LA RUE,  
 DAVID LEWIS,  
 J. F. LINDOW,  
 JNO. MANSFIELD,  
 EDWARD MARTIN,  
 J. WEST MARTIN,  
 RUSH McCOMAS,  
 JOHN G. McCALLUM,  
 THOMAS McCONNELL,  
 JOHN McCOY,  
 THOS. B. McFARLAND,  
 HIRAM MILLS,  
 WM. S. MOFFATT,  
 JOHN F. McNUTT,  
 W. W. MORELAND,  
 L. D. MORSE,  
 JAMES E. MURPHY,  
 EDMUND NASON,  
 THORWALD K. NELSON,  
 HENRY NEUNABER,  
 CHS. C. O'DONNELL,  
 GEORGE OHLEYER,  
 JAMES O'SULLIVAN,  
 JAMES M. PORTER,

WILLIAM H. PROUTY,  
 M. R. C. PULLIAM,  
 CHAS. F. REED,  
 PATRICK REDDY,  
 JOHN M. RHODES,  
 JAS. S. REYNOLDS,  
 HORACE C. ROLFE,  
 CHAS. S. RINGGOLD,  
 JAMES McM. SHAFTER,  
 GEO. W. SCHELL,  
 J. SCHOMP,  
 RUDFUS SHOEMAKER,  
 E. O. SMITH,  
 BENJ. SHURTLIFF,  
 GEO. VENABLE SMITH,  
 H. W. SMITH,  
 JOHN C. STEDMAN,  
 E. P. SOULE,  
 D. C. STEVENSON,  
 GEO. STEELE,  
 CHAS. V. STUART,  
 W. J. SWEASEY,  
 CHARLES SWENSON,  
 R. S. SWING,  
 D. S. TERRY,  
 S. B. THOMPSON,  
 F. O. TOWNSEND,  
 W. J. TINNIN,  
 DANIEL TUTTLE,  
 P. B. TULLY,  
 H. K. TURNER,  
 A. P. VACQUEREL,  
 WALTER VAN DYKE,  
 WM. VAN VOORHIES,  
 HUGH WALKER,  
 JOHN WALKER,  
 BYRON WATERS,  
 JOSEPH R. WELLER,  
 J. V. WEBSTER,  
 JOHN P. WEST,  
 PATRICK M. WELLEN,  
 JOHN T. WICKES,  
 WM. F. WHITE,  
 H. C. WILSON,  
 JOS. W. WINANS,  
 N. G. WYATT.

# STATUTES OF CALIFORNIA

PASSED AT THE

## THIRTY-FIFTH SESSION OF THE LEGISLATURE.

### CHAPTER I.

*An act transferring money from the general fund to the state printing fund, to defray the expenses of legislative printing for the thirty-fifth session of the legislature, and directing the state controller and state treasurer to make such transfer.*

[Approved January 23, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby transferred from the general fund to the state printing fund, to defray the printing expenses of the thirty-fifth session of the legislature. Appropriation for printing, thirty-fifth session.

SEC. 2. The state controller and state treasurer are hereby directed to make said transfer in conformity with section one of this act.

SEC. 3. This act shall take effect from and after its passage.

### CHAPTER II.

*An act making an appropriation for the contingent expenses of the senate for the thirty-fifth session of the legislature.*

[Approved January 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for contingent expenses of the senate for the thirty-fifth session of the legislature; and the controller of the state is authorized to draw his warrants for the same, and the treasurer of the state is directed to pay the same. Appropriation for contingent expenses of senate, thirty-fifth session.

SEC. 2. This act shall take effect immediately.

## CHAPTER III.

*An act making an appropriation to pay the contingent expenses of the assembly, thirty-fifth session.*

[Approved January 30, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for contingent expenses of assembly, thirty-fifth session.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the contingent expenses of the assembly, thirty-fifth session.

SEC. 2. This act shall take effect immediately.

## CHAPTER IV.

*An act to amend Sections 626, 626a, 626f and 626h, of the Penal Code of the State of California, all relating to the protection and preservation of game.*

[Approved February 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 626 of the Penal Code of the State of California is amended to read as follows:

Close season for quail, duck, etc.

626. Every person who between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory or foreign country, any valley quail, or partridge, or any kind of wild duck, or any rail, or any curlew, ibis or plover; or who between the fifteenth day of February and the first day of September of any year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory or foreign country, any mountain quail, grouse, or sage-hen is guilty of a misdemeanor.

SEC. 2. Section 626a (section six hundred and twenty-six a) of the Penal Code of the State of California is hereby amended to read as follows:

Doves.

626a. Every person who, between the fifteenth day of February and the first day of July of the same year, hunts, pursues, takes, kills or destroys, or has in his possession, any dove, is guilty of a misdemeanor.

SEC. 3. Section six hundred and twenty-six *f*, of the Penal Code of the State of California is hereby amended to read as follows:

626*f*. Every person who between the first day of November and the fifteenth day of July of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor. Male deer.

SEC. 4. Section six hundred and twenty-six *h* of the Penal Code of the State of California is hereby amended to read as follows:

626*h*. Every person who buys, sells, offers or exposes for sale, barter or trade, the hide, pelt or skin of any deer, or who transports, carries, or has in his possession, the skin, pelt or hide of any female deer, or spotted fawn, or any deer hide or pelt from which the evidence of sex has been removed, is guilty of a misdemeanor; *provided, however*, that the provisions of this section shall not apply to the skin, pelt or hide of any deer killed or taken in a foreign country. Sale or possession of deer pelts.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect immediately.

## CHAPTER V.

*An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.*

[Approved February 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any irrigation district organized under the provisions of an act entitled, "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March seven, eighteen hundred and eighty-seven, and all acts supplementary thereto, or amendatory thereof, including an act entitled, "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March thirty-one, eighteen hundred and ninety-seven, may be dissolved in the manner hereinafter provided. Irrigation districts may be dissolved.

Manner of  
dissolu-  
tion.

Petition—  
what to  
contain.

Special  
election.

Notice of  
election.

Ballots.

Validity of  
proceed-  
ings, how  
deter-  
mined.

SEC. 2. A majority in number of the holders of title, or evidence of title, to real property in any irrigation district, and a majority in value of said property according to the equalized assessment roll of said district for the year last preceding upon which any assessment has been made, may propose the dissolution of said district by a petition signed by such majority, which petition shall set forth the amount of the outstanding bonds, coupons, and other indebtedness, if such there be, together with a general description of the same, and the holders, so far as known, showing the amount of each description of indebtedness and the ownership, so far as known, of the same. Also the estimated cost of the dissolution of said district. Said petition shall also state the assets of said district, including irrigation system, if any, dams, reservoirs, canals, franchises, water rights, a detailed statement of all the lands sold to the district for assessments, and the amount of the assessments on each parcel of land sold, also all assessments unpaid, and the amount upon each lot or tract of land, and all other assets of the district; and in case any proposition has been made by the holders of said indebtedness to settle the same, said proposition, together with any plan proposed to carry the same into execution, shall be included in said petition.

SEC. 3. Upon the filing of said petition with the board of directors of said district said board shall call a special election, at which shall be submitted to the electors of such district the question whether or not said district shall be dissolved, its indebtedness liquidated, and its assets distributed in accordance with the plan so proposed, or in case no plan has been proposed, then in accordance with a plan which shall be proposed by said board of directors in the notice of the election, but no such election shall be called until the assent of all the known holders of valid indebtedness against the district shall be obtained or provision shall be made in said plan for the payment of such non-assenting holders. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors is required to be kept, once a week for at least three successive weeks before such election. Such notices must specify the time of holding the election, the fact that it is proposed to dissolve the district, and a brief summary of the plan proposed for liquidating its indebtedness and disposing of its assets. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers in irrigation districts. At such election the ballot shall contain the words "Dissolution of the district—yes," or "Dissolution of the district—no," or words equivalent thereto.

SEC. 4. In case upon such canvass it is found and declared by said board of directors that two thirds of the votes cast at such election shall be cast in favor of "Dissolution of the district—yes," then the said board of directors shall file a petition

in the superior court of the county wherein is located the office of such board to determine the validity of the proceedings had and of the proposed plan for the dissolution of said district. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of a notice of the pendency of the proceeding for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending; *provided*, that if the property of the district is situate in more than one county then the publication shall be made in one paper in each county wherein the same is situate, such papers or papers to be designated by the court having jurisdiction of the proceeding; jurisdiction shall be complete in thirty days after the completion of such notice in the manner herein provided. Any one interested may at any time before the expiration of said thirty days appear and contest the validity of the proceedings already had and of the plan proposed for the dissolution of said district, or any portion thereof, including the validity of any portion of the indebtedness set out in said petition, and the court may determine the validity of any sales for assessments, and may determine the amount of any assessment or assessments due upon the various parcels and lots of real estate within said district, and may determine the amount of any assessment or assessments theretofore paid upon the various parcels and lots of real estate therein, and may in said proceeding adjust and determine the rights and liabilities of all parties. Such action shall be speedily tried and judgment rendered. Either party shall have the right to appeal at any time within thirty days after the entering of such judgment, and the appeal must be heard and determined within three months after the taking of such appeal.

Right of appeal.

SEC. 5. Said petition to the superior court shall set forth the facts required to be set forth in the petition to the board of directors and all the proceedings therein, and at the hearing the court shall hear and determine the regularity, legality, and correctness of all proceedings, and in doing so shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceeding herein provided. The costs of any contest may be allowed and proportioned between the parties or taxed to the losing party in the discretion of the court, and no contest of any matter or thing herein provided for shall be made other than in the time and manner herein specified.

Facts required by superior court.

Costs of contests.

SEC. 6. If no such proceeding shall have been filed by the board of directors within thirty days after the canvass of said vote, then any district assessment-payer may bring an action in the superior court of the county wherein the office of the board of directors is located. The board of directors shall be made parties defendant and notice shall be served on the members of the board personally, if they can be found in the state, if not, then service by publication as provided in section four,

Assessment-payer may bring action.

shall be sufficient. Proceedings shall be had in the same manner and with the same effect as if brought by the board of directors.

Assets of district may be acquired by corporation.

SEC. 7. A corporation may be organized under general laws for the purpose of acquiring the assets of said district, including the irrigation system, if any, dams, reservoirs, canals, franchises and water rights, which corporation shall have all the powers, rights and franchises of corporate bodies organized under general laws, and in addition shall have such further powers as may be necessary to possess and carry on said irrigation system and exercise such franchises and water rights.

Power of court.

SEC. 8. The court in its decree shall have power to make the orders necessary to carry out said proposition for the discharge of the indebtedness and distribution of the property of said district, including the right to apportion any indebtedness found due, and to declare said portions liens upon the various parcels and lots of land within the district, and may decree a sale of its assets in such manner as may effectuate said proposition and as the said court may judge best, either in one lot or in such parcels as may be provided, and may provide for conveyance of said irrigation system, including dams, reservoirs, canals, franchises, and water rights, and also of any other assets of the district, including lands sold thereto and the assessments due it.

Sale of assets.

Assessments to be liens.

SEC. 9. The amounts of any assessment or assessments found due upon the various parcels and lots of real estate within said district, and the amounts for which sales have been made, which sales have been determined to be valid by said court, together with legal interest from the date of said sales and from the time when said assessments become delinquent, shall be liens respectively on the lots and parcels affected thereby, and the purchaser or purchasers at said sale may foreclose the same by action in the superior court, and shall in said action join all lots, assessments, and sales which may have been purchased by him and which remain unredeemed. A redemption may be made at any time by payment of the amount due to the clerk of the court for the use of the district if before sale, and for the use of the purchaser if after sale, and the clerk shall thereupon enter a minute of said payment, which payment shall be in the discharge of said lien. Redemption from the lien created for any portion of the indebtedness can be had in this manner.

Redemptions.

Disposition of surplus money.

SEC. 10. Whenever all the property of such irrigation district shall have been disposed of, and all the indebtedness and obligations thereof, if any there be, shall have been discharged, the balance of the money of said district shall be distributed to the assessment-payers in said district upon the last assessment roll in the proportion in which each has contributed to the total amount of said assessment, and the court shall enter a final decree declaring said district to be dissolved.

SEC. 11. This act shall take effect immediately.



## CHAPTER VI.

*An act to amend section four of an act entitled "An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation and repealing the act entitled 'An act to authorize the board of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first named act having been approved February 20, 1901, and adding five new sections to said act, to be numbered and designated as sections seven, eight, nine, ten, and eleven, and providing for making the violation of certain sections thereof a misdemeanor.*

[Approved February 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of an act entitled "An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the act entitled 'An act to authorize the board of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March thirteenth, eighteen hundred and eighty-three," approved February twentieth, nineteen hundred and one, is hereby amended so as to read as follows:

Inspectors  
of apiaries.

Section 4. The salary of the county inspector of apiaries shall be four dollars per day when actually engaged in the performance of his duties, and itemized necessary traveling expenses incurred in the performance of his duties as prescribed in this act.

Salary.

SEC. 2. There is hereby added to said act five new sections to be numbered and designated as section seven, section eight, section nine, section ten, and section eleven, and to read as follows:

Section 7. The inspector of apiaries may, in his discretion, order the owner, or owners, or other person in charge of bees kept in box or other immovable or stationary comb-hives in apiaries infected with foul brood or any other infectious or contagious disease, or within a radius of three miles of such diseased apiaries, to transfer such bees to movable frame hives within a reasonable time, to be specified in such order or notice, and in default of such transfer by the owner, or owners, or other person in charge of such bees, the inspector may destroy, or cause to be destroyed, all such hives, together with their contents, and the expense thereof shall be a county charge, as provided in section two of this act.

Powers of  
inspector.

Imported  
bees.

Section 8. Any person or persons who shall import bees into the State of California, which said bees are not accompanied with a certificate from a duly authorized inspector of apiaries, or bee inspector, certifying that such bees are free from foul brood and other infectious or contagious diseases, or who shall import bees from another county within this state not having a bee inspector, into a county having a bee inspector shall immediately, upon the receipt of such bees, cause them to be inspected by a duly authorized inspector of apiaries, and if such bees are found to be infected with foul brood or other infectious or contagious disease, such inspector shall proceed to have such disease eradicated as provided in section two of this act. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Must be  
inspected.

"Foul  
brood"  
not to be  
removed.

Section 9. It shall be unlawful for any person owning or controlling bees within this state, which are known to be infected with foul brood or other infectious or contagious disease, to remove said bees to a new location, without first giving ten days' notice to the county inspector of apiaries, stating when and where he intends moving said bees. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Infected  
apiary a  
misde-  
meanor.

Section 10. Any person or persons whose apiary is infected with foul brood or any other infectious or contagious disease, and who sells, or offers for sale, from such infected apiary any bees, hives, bee fixtures or appurtenances, or who shall expose in his bee yard, or elsewhere, any infected comb-honey, bees-wax, or other infected thing, or who conceals the fact that his apiary is so infected, shall be deemed guilty of a misdemeanor.

Resisting  
inspector a  
misde-  
meanor.

Section 11. Any person or persons who shall resist, impede, or hinder in any way, the inspector of apiaries in the discharge of his duties under the provisions of this act, shall be deemed guilty of a misdemeanor.

SEC. 3. This act shall take effect immediately.

## CHAPTER VII.

*An act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing or affecting trusts and estates for the founding, endowment and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an act entitled "An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding and protection of real property within this state suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.*

[Approved February 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The trustee or trustees of any trust or trusts heretofore or hereafter created for the founding, endowment and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library or any other institution, or any or all thereof, under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an act entitled "An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding and protection of real property within this state suitable for the purposes herein designated, and the erection thereon of buildings appropriate to

Trustees of trusts created to found institution of learning.

Special proceeding to determine validity of gifts.

Passing of title to trustees

Where proceedings shall be initiated.

such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887, may commence a special proceeding in and by which may be determined all questions of law and fact affecting the existence of, and the due and voluntary execution and delivery, and the terms, validity and legal effect of the grant or grants founding the same, and of all amendments or attempted amendments thereof, and of any supplemental grants or gifts, and of any confirmatory conveyances, of the founder or founders, or surviving founder, or wife or widow of any such founder; and in and by which may be determined all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any gift or grant made in general terms for the benefit of the institution or institutions, or of any department thereof, or of any gift or grant made in general terms for the benefit of the institution or institutions, or of any department thereof, upon the trusts provided for in the grant founding the institution or institutions, and amendments thereof and grants, bequests and devises supplementary thereto; and in and by which may be determined all questions bearing upon the passing to the trustee or trustees of the legal title to the properties, real and personal, conveyed or attempted to be conveyed, so far as such property or the proceeds thereof, or any property acquired in exchange therefor or with proceeds thereof, may be described in the petition herein provided for, and the interest or title of the trustee or trustees in or to any such property described in such petition; and in and by which may be determined all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any grant or surrender by any such founder or founders, surviving founder, or wife or widow of any founder, to, or in favor of, such trustee or trustees, of any rights, powers, privileges or duties reserved to or vesting in any such person or persons over or concerning any property described in the petition herein provided for, or over or concerning any such institution or institutions so founded, which would otherwise vest in or devolve upon such trustee or trustees upon the death of the person or persons so granting or surrendering the same, and of any relinquishment or release by the founder or founders, surviving founder, or wife or widow of any founder, of any other such rights, powers, privileges or duties so reserved to or vesting in any such person or persons. To this end the trustee or trustees of any trust hereinbefore referred to, in the name of the institution or institutions so founded, or in the name of the trustee or trustees of such institution or institutions, or in the name of the board of trustees of such institution or institutions, may file, in the superior court of the county in which the lands described in the founding grant or grants, or some portion thereof, are situated, or, if no real estate has been granted as herein provided to such trustees, then in the county where the main part of any such institution or institutions is situated, a petition in writing, signed by counsel

for such trustee or trustees, or by counsel for a majority thereof, which petition shall contain copies of all such grants, amendments, attempted amendments, supplemental grants, instruments of gift, confirmatory conveyances, and grants and instruments of surrender, relinquishment or release, hereinbefore mentioned or referred to, so far as known to such trustee or trustees; and the petition shall allege in general terms the due and voluntary execution and delivery, and the validity, of any and all of such instruments, copies of which are set out in the petition, and shall describe all property, real and personal, the legal title to which is held or claimed to be held by said trustee or trustees under or by virtue of any or all of such instruments, whether or not the same be the original property conveyed, the proceeds thereof, or reinvested proceeds; and the petition shall allege in general terms the estate or interest which the trustee or trustees have or claim in or to the property described; and the petition shall pray, in effect, that the court examine and determine all questions of law and fact affecting the due and voluntary execution and delivery, and the terms, validity and legal effect of all such instruments, copies of which are so set out in the petition; and that the court examine and determine all questions bearing upon the passing to the trustee or trustees, of the legal title to all the properties, real and personal, so conveyed or attempted to be conveyed, so far as the same or the proceeds thereof, or any property acquired in exchange therefor or with the proceeds thereof, may be described in said petition; and that the court examine and determine the interest or title of the trustee or trustees in or to any such property; and that it be established and determined that the trustee or trustees are rightfully vested with the legal title thereto.

SEC. 2. The court or judge shall fix the time for the hearing of said petition, and shall order the clerk of the court to post in at least three public places in the county a notice of the filing of said petition, attached to a copy of said petition, and order a copy of such notice together with a copy of the petition to be personally served upon the founder or founders, if living, and upon the surviving wife or widow of any founder, and upon any living grantor or donor of any other grant or gift set out in the petition, and may order such other or further notice to be given as the judge or court may deem proper. Such notice shall be posted and served at least ten days before the hearing. If the court or judge finds upon the hearing that due and proper notice has not been given as herein provided, it shall reset the hearing and cause such due and proper notice to be given. The notice and petition shall be entitled substantially in the following form:

Fixing  
time for  
hearing.

In the superior court of the \_\_\_\_\_ county of \_\_\_\_\_, State of California.

Form of  
notice and  
petition.

In the matter of the petition of \_\_\_\_\_ (giving the name or names in which the petition is brought) for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments

creating, changing or affecting trusts and estates for the founding, endowment and maintenance of —— (naming the institution or institutions founded).

Notice—  
what shall  
state.

The notice shall state the time and place fixed for the hearing of the petition and shall be addressed to the founder or founders, living, and to the surviving wife or widow of any founder, and the living grantor or donor of any other grant or gift set out in the petition, and in general terms to all other persons having or claiming any interest in, or rights, powers, or duties over or concerning the property described in the petition; and shall direct that they and each of such persons appear and answer said petition on or before the time set for said hearing; and shall state that unless said persons so appear and demur or answer, the petitioners will apply to the court to grant the prayer of the petition, and that each person failing to so appear and answer, shall be deemed to admit as true all the material allegations of the petition.

Waiver of  
notice.

Any of the persons so required to be served, or any other person so interested may waive notice by written waiver filed with the clerk of the court.

Parties  
interested  
may  
demur.

SEC. 3. Any person interested in the determination of any of the questions presented by the petition may demur to or answer said petition and may set up any new matter affecting the determination of any such questions. Any allegation of the petition or answer may be made upon information and belief. The provisions of the Code of Civil Procedure respecting the demurrer and the answer to a verified complaint, shall be applicable to a demurrer or answer to said petition. The persons so demurring to or answering said petition shall be the defendants to said special proceeding and the petitioners shall be the plaintiffs. Every material statement of the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material allegations of the petition. The rules of pleading and practice provided for by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to the special proceeding herein provided for.

Defend-  
ants.

Failure to  
answer.

Jurisdic-  
tion of  
court.

SEC. 4. Upon the hearing of such special proceeding, the court shall have power and jurisdiction to examine into and determine all questions of law and fact within the scope of the proceeding herein provided for, whether presented by the petition or answer, or by the proofs upon the hearing. The court shall find and determine whether the notice of the filing of said petition has been duly given for the time and in the manner in this act prescribed. The costs of the special proceeding may be allowed and apportioned between all parties; in the discretion of the court.

Findings.

Costs.

Judgment  
to be  
recorded.

SEC. 5. A certified copy of the judgment of the court in such special proceeding shall be recorded in the office of the recorder of the county in which the action is brought and in the office of the recorder of every county in which any of the real property affected is situated.

SEC. 6. The judgment of the court in such special proceeding shall be determinative of the terms and trusts upon which any property thereafter given for the benefit of such institution or institutions, or any department thereof, shall be held by such trustee or trustees, unless otherwise provided by the grantor or donor of such property.

Judgment  
to be deter-  
minative.

SEC. 7. This act shall take effect and be in force from and after its passage.

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## CHAPTER VIII.

*An act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.*

[Approved February 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of eight thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for the transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Appropriation for transportation of prisoners.

SEC. 2. The controller is hereby directed to draw his warrants for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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## CHAPTER IX.

*An act making an appropriation for transportation of the insane for the fifty-second, fifty-third and fifty-fourth fiscal years.*

[Approved February 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of fourteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for the transportation of the insane for the fifty-second, fifty-third and fifty-fourth fiscal years.

Appropriation for transportation of insane.

SEC. 2. The controller is hereby directed to draw his warrants for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER X.

*An act making an appropriation for the arrest of criminals without the limits of the state, for the fifty-third and fifty-fourth fiscal years.*

[Approved February 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for arrest of criminals outside the state.

SECTION 1. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay for the arrest of criminals without the limits of the state, for the fifty-third and fifty-fourth fiscal years.

SEC. 2. The controller is directed to draw his warrants for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER XI.

*An act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor and fixing penalties therefor.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Employment agent defined.

SECTION 1. Any person, firm, corporation, or association pursuing for profit the business of furnishing, directly or indirectly, to persons seeking employment, information enabling, or tending to enable, such persons to secure such employment, or registering for any fee, charge, or commission the names of any person seeking employment as aforesaid, shall be deemed to be an employment agent within the meaning of this act.

Relative to fees.

SEC. 2. It shall be unlawful for an employment agent in the State of California to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment, for any information or assistance furnished or to be furnished by said agent to such person, enabling or tending to enable said person to secure such employment, prior to the time at which said information or assistance is actually thus furnished.

Same.

SEC. 3. It shall be unlawful for an employment agent in the State of California to retain, directly or indirectly, any money or other valuable consideration received for any registration made or for information or assistance such as is described in



section two hereof, if the person for whom such registration is made or to whom such information or assistance is furnished fails, through no neglect or laches of his own, to secure the employment regarding which registration such information or assistance is furnished; and said money or consideration shall be by said agent forthwith returned to the payor of the same, upon demand therefor by the latter or his agent.

SEC. 4. It shall be unlawful for an employment agent in the State of California to receive, directly or indirectly for registration made or for information or assistance such as is described in section two hereof, any money or other consideration which is in value in excess of ten per cent of the amount earned, or prospectively to be earned, by the person for whom said registration is made or to whom such information is furnished, through the medium of the employment regarding which such registration, information or assistance is given, during the first month of such employment; *provided*, that said value shall not be in excess of ten per cent of the amount actually prospectively to be earned in such employment when it is mutually understood by the agent and person in this section mentioned, at the time when said information or assistance is furnished, that said employment is to be for a period of less than one month.

Amount of  
fee to be  
charged.

SEC. 5. The tax collector or license collector of each respective city, county or city and county of the State of California shall furnish quarterly, to the commissioner of the bureau of labor statistics of the State of California the name and address of each employment agent doing business in said city, county or city and county; *provided*, that where the license is not a county license, but is collected by a municipal government, then the municipal collector of said tax shall furnish the names and addresses.

Duty of tax  
collector.

SEC. 6. Each employment agent in the State of California shall keep a written record, which shall show the name of each person making application to said agent for registration, information or assistance, such as is described in section two hereof; the name of each such person to whom such registration or information is furnished; and the amount received in each such case therefor; the name of each person who, having received and paid for, as herein contemplated, registration, information or assistance such as is described in section two hereof, fails to secure the employment regarding which such registration, information or assistance is furnished, together with the reason why said employment was not by said person secured, and the name of each person to whom return is made, in accordance with the provisions of section three hereof, of any money or other consideration such as is in said section named, together with the amount of said money, or the value of said consideration, thus returned.

Record of  
applica-  
tions.

SEC. 7. Each employment agent in the State of California shall permit the commissioner of the bureau of labor statistics of said state, by himself, or by his deputies or agents, to have at all times access to, and to inspect, the record in section

Official  
access to  
record.

six hereof named, and upon demand in writing therefor by said commissioner, shall furnish to such commissioner a true copy of said record, or of such portion thereof as said demand in writing shall require a copy of to be thus furnished.

Penalty.

SEC. 8. Any employment agent or other person violating, or omitting to comply with, any of the provisions of this act, shall be deemed guilty of misdemeanor, and upon conviction shall be punished by fine not exceeding five hundred (500) dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment in the discretion of the court.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect from and after the date of its passage.

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## CHAPTER XII.

*An act to amend section five of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five of an act entitled "An act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February sixth, eighteen hundred and eighty-nine, is amended to read as follows:

Seats for  
female  
employés.

Section 5. Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment shall provide suitable seats for the use of the females so employed, and shall provide such seats to the number of at least one third the number of females so employed; and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

## CHAPTER XIII.

*An act to amend section three thousand four hundred and ninety-two of the Political Code of the State of California, relating to the organization of reclamation districts.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand four hundred and ninety-two of the Political Code of the State of California is hereby amended so as to read as follows:

3492. The holders of title or evidences of title representing one half or more of any body of swamp and overflowed, salt, marsh, or tide lands, susceptible of one mode of reclamation, and already reclaimed, or in progress of reclamation, and not included in any existing reclamation district, who may desire to form a reclamation district for the maintenance, protection, and repair of the reclamation works, in, upon, or appertaining to such body of lands, or for the completion of the reclamation thereof, may present a similar petition to that provided in section three thousand four hundred and forty-six. And such proceedings shall thereupon be had in respect to such petition as are provided in respect to other petitions for the formation of reclamation districts; and if the same be approved, it shall be recorded, and the register shall forward his statement, and by-laws shall be adopted, filed, and recorded, and elections called and held in the same manner as is provided in other cases. Such districts, when formed, and the board of trustees thereof, shall have all the rights, immunities, powers, and privileges of other reclamation districts, and the boards of trustees thereof. And assessments may be made, apportioned, and collected for the maintenance, protection, or repair of such reclamation works, or for the completion of such reclamation, in the like manner as is provided for making, apportioning, and collecting assessments in case of other reclamation districts.

Reclamation districts, how formed.

Assessments.

## CHAPTER XIV.

*An act to amend section 1132 of the Political Code of the State of California, relating to the place for holding an election.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand one hundred and thirty-two of the Political Code of the State of California is hereby amended so as to read as follows:

When justice of the peace to designate place for holding election.

1132. If the board fail to designate the house or place for holding the election in any precinct, or, if for any reason, it cannot be held at the house or place designated by the board, the justice of the peace residing in the township in which such precinct is situated must, by an order under his hand (copies of which he must at once post in three public places in the precinct), designate the house or place, within the precinct. In case of the absence of the justice of the peace, or of his disability or refusal to perform the duties herein imposed, then a majority of the judges and inspectors of election for said precinct shall designate the place, within the precinct, for holding the election, and post the notices required by this section; *provided*, that in cities or cities and counties which are not divided into townships for judicial purposes, a majority of the justices of the peace residing in such city or city and county, shall discharge the duties imposed by this section.

SEC. 2. This act shall take effect immediately.

## CHAPTER XV.

*An act to amend section 2712 of the Political Code, relating to discretionary powers of boards of supervisors.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand seven hundred and twelve of the Political Code is hereby amended so as to read as follows:

When county general fund may be used for roads and bridges.

2712. Whenever it appears to the board of supervisors that any road district is or would be unreasonably burdened by the expense of constructing, or by the maintenance and repairs of any bridge or tunnel connecting or forming a part of a road, or the purchase of toll roads, they may, in their discretion, cause a portion of the aggregate cost or expense to be paid out of the general road fund of the county, or by vote of two thirds of the

board of supervisors, said board may, in their discretion, order a portion of the cost of construction and repairs of bridges and tunnels connecting or forming a part of a road, or a portion of the cost of the purchase of toll roads, to be paid out of the county general fund as well as the general road fund.

SEC. 2. This act shall take effect immediately.

## CHAPTER XVI.

*An act to provide for the compilation, printing, binding, publishing and distribution of a legislative manual and state blue book, or roster, and repealing conflicting acts.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby authorized to compile, or cause to be compiled, published and distributed seven thousand five hundred copies of a legislative manual, state blue book, or roster. The volume shall be ready to distribute at the beginning of the next fiscal year, and at the same time biennially thereafter. Blue book.

SEC. 2. The volumes shall be distributed as follows: Distribution.

To the governor of the state, fifty copies.

To each elective state officer, senator and member of the assembly, twenty copies.

To the clerk, sheriff and district attorney of every county of the state, one copy each.

To every judge of the supreme court, supreme court commissioners, and judges of the superior court, one copy each.

To the mayor of every city, or chairman of its board of trustees in this state, one copy each.

To the state library, twenty copies.

To every public and every law library in this state, one copy each.

To the governor and secretary of state of every state in the union, one copy each.

To the congressional library at Washington, D. C., five copies.

To each high school in this state, one copy.

The remainder of the volumes shall be distributed at discretion by the secretary of state.

SEC. 3. The acts of March thirty-first, eighteen hundred and ninety-one, and March twenty-third, eighteen hundred and ninety-three, on same subject, and all other acts in conflict with the provisions of this act, are hereby repealed. Acts repealed.

SEC. 4. This act shall take effect from and after its passage.

## CHAPTER XVII.

*An act to amend an act, approved February 28, 1887, entitled "An act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this state," and to repeal all acts and parts of acts in conflict with this act.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The title of said act is hereby amended so as to read as follows:

Trials of  
offenses  
against  
fish laws.

An act providing for the payment of the costs and expenses of all trials and proceedings against any person charged with the violation of the laws of this state for the preservation, protection, or restoration of fish.

SEC. 2. Section one of said act is hereby amended so as to read as follows:

Costs.

Section 1. The costs and expenses of all trials and proceedings which shall hereafter be had in any county of this state against any person charged with having violated any of the provisions of any law of this state for the preservation, protection, or restoration of fish, shall be borne and paid by the state.

SEC. 3. Section two of said act is hereby amended so as to read as follows:

Claims for  
costs,  
where pre-  
sented.

Section 2. Any claim against the state for the cost and expenses named in this act shall be presented to the state board of fish commissioners, duly verified, and after approval and allowance by said board, shall be acted upon by the state board of examiners, and paid out of the fish commission fund.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect immediately.

## CHAPTER XVIII.

*An act to add a new section to the Political Code of the State of California, to be known as section number thirty-six hundred and eleven, relating to the general revenue of the state and to property exempt from taxation.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That a new section is hereby added to the Political Code of the State of California, to read as follows:

3611. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor shall be exempt from taxation. That any person claiming property to be exempt from taxation under this section shall make a return thereof to the assessor annually, the same as property is listed for taxation, and shall accompany the same by an affidavit showing that the building is used solely and exclusively for religious worship, and that the described portion of the real property claimed as exempt is required for the convenient use and occupation of such building, and that the same is not rented for religious purposes and rent received by the owner therefor.

Church property, when exempted from taxation.

SEC. 2. This act shall take effect immediately.

## CHAPTER XIX.

*An act to repeal an act entitled an act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts. (Approved March 28, 1901.)*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered eleven hundred and eighty-three and one half, relating to mechanics' liens, and regulating the provisions to be contained in building contracts (approved March twenty-eighth, nineteen hundred and one), and known as section eleven hundred and eighty-three and one half of the Code of Civil Procedure, is hereby repealed.

Repeal of act relating to mechanics' liens.

SEC. 2. This act shall take effect and be in force immediately on its passage.

## CHAPTER XX.

*An act to appropriate the sum of fourteen hundred and sixteen dollars and fifty cents (\$1416.50) for the purchase of ballot paper for secretary of state's office, to be used during the remainder of the fifty-fourth fiscal year.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for purchase of ballot paper.

SECTION 1. The sum of fourteen hundred and sixteen dollars and fifty cents (\$1416.50) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of ballot paper, for the secretary of state's office, to be used during the remainder of the fifty-fourth fiscal year.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein appropriated, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER XXI.

*An act to amend an act entitled an act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses, approved March 1, 1889.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and thirty-seven of the Penal Code is hereby amended to read as follows:

Defrauding inn-keepers, etc.

537. Any person who obtains any food or accommodation at an hotel, inn, restaurant, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boarding house, or lodging house by the use of any false pretense, or who, after obtaining credit or accommodation at an hotel, inn, restaurant, boarding house, or lodging house absconds or surreptitiously removes his baggage therefrom without paying for his food or accommodations is guilty of a misdemeanor.

SEC. 2. This act shall take effect from and after its passage.



## CHAPTER XXII.

*An act to amend sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all acts and parts of acts in conflict with this act.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and twenty-eight of the Penal Code of the State of California, is hereby amended to read as follows:

628. Every person who, between the first day of January and the first day of July of each year, buys, sells, takes, catches, or has in his possession any black bass; or who, between the first day of April and the fifteenth day of August of each year, buys, sells, takes, catches, or has in his possession any lobster or crawfish; or who, between the first day of May and the first day of September of each year, buys, sells, takes, catches, kills, or has in his possession any shrimp; or who, between the first day of September and the first day of November of each year, buys, sells, takes, catches, kills, or has in his possession any crab; or who, at any time buys, sells, takes, catches, kills, or has in his possession any striped bass of less than three pounds in weight, or any lobster or crawfish of less than nine and one half inches in length, measured from one extremity to the other, exclusive of legs, claws, or feelers; or any sturgeon, or any egg-bearing female lobster, or any female crab, or any crab which shall measure less than six inches across the back, or any abalone shells, or abalones, the shell of which shall measure less than fifteen inches around the outer edge of the shell; or who, by seine or other means, catches the young fish of any species, and does not immediately return the same to the water alive; or who buys, sells, or offers for sale, or has in his possession, any such fish, whether fresh or dried; or who catches, takes, kills, or carries away any fish from any pond or reservoir belonging to, or controlled by, the board of fish commissioners, or any person or corporation, without the consent of the owners thereof, which pond or reservoir has been stocked with fish; or who, except with hook and line, takes, catches, or kills any black bass whatsoever, or any kind of fish, from any river or stream upon which the state or United States fish hatchery is maintained, is guilty of a misdemeanor, and punishable by a fine not less than twenty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than ten nor more than one hundred and fifty days, or by both such fine and imprisonment. All fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the "fish commission fund." Nothing in this section prohibits

Preservation of fish.

Close season.

Penalty.

Disposition of fines.

Defense.

the United States fish commission and the fish commission of this state from taking at all times such fish as they deem necessary for the purpose of artificial hatching. It is no defense in a prosecution for a violation of any of the provisions of this section that the fish were caught or taken outside, or within, this state.

SEC. 2. Section six hundred and twenty-nine of the Penal Code of the State of California is hereby amended to read as follows:

Screens to be put at inlet of canal, irrigating ditch, etc.

629. Any person or persons, corporation or corporations, owning, in whole or in part, or leasing, operating, or having in charge any mill race, irrigating ditch, or canal, taking or receiving its waters from any river, creek, stream, or lake in which fish have been placed, or may exist, shall put, or cause to be placed, and maintain, over the inlet of said ditch, canal, or mill race, a screen of such construction and fineness, strength, and quality as shall prevent any such fish from entering such ditch, canal, or mill race, when required to do so by the state board of fish commissioners, and any person or corporation violating any of the provisions of this section, or who shall neglect or refuse to put up or maintain such screen, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty dollars or imprisoned in the county jail of the county in which the conviction shall be had not less than ten days, or by both such fine and imprisonment; and all fines imposed and collected for violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "fish commission fund"; *provided*, that the continuance from day to day of the neglect or refusal, after notification in writing by the fish commissioners, shall constitute a separate offense.

SEC. 3. Section six hundred and thirty-two of the Penal Code of the State of California is hereby amended to read as follows:

Trout, close season for.

632. Every person who, between the first day of November in any year and the first day of April of the year following, buys, sells, takes, catches, kills, or has in his possession, any variety of trout, except steelhead trout (*Salmo gairdneri*); or who, between the first day of February and the first day of April; or, between the tenth day of September and the sixteenth day of October of each year, buys, sells, takes, catches, or has in his possession, any steelhead trout (*Salmo gairdneri*); or who, between the first day of November and the first day of April of the year following, takes, kills, or catches any steelhead trout above tide water; or who, at any time, buys, sells, or offers for sale, any trout of less than one half pound weight, or takes or catches any trout except with hook and line, is guilty of a misdemeanor; *provided, however*, that steelhead trout (*Salmo gairdneri*) may be taken in tide water between the first day of April and the tenth day of September of each year, and between the sixteenth day of October and first day of February of the following year, with lawful nets; and a lawful net is a net that when placed in the water

is unsecured and free to drift with the current or tide, and the meshes of which are, when drawn closely together and measured inside the knot, not less than seven and one half inches in length. Every person found guilty of any violation of any of the provisions of this section must be fined in a sum not less than twenty dollars or be imprisoned in the county jail in the county not less than ten days, or be punished by both such fine and imprisonment, and all fines collected for any violation of any of the provisions of this section must be paid into the state treasury to the credit of the "fish commission fund." Nothing in this section prohibits the United States fish commission and the fish commission of this state from taking at all times such trout as they deem necessary for the purpose of propagation.

Lawful  
nets  
defined.

SEC. 4. Section six hundred and thirty-five of the Penal Code of the State of California is hereby amended to read as follows:

635. Every person who places or causes to be placed in any of the waters of this state, dynamite, gunpowder, or other explosive compound, for the purpose of killing or taking fish; or who takes, procures, kills, or destroys any fish of any kind by means of explosives; or who places or allows to pass, or who places where it can pass into any of the waters of this state, any lime, gas, tar, cocculus indicus, slag, sawdust, shavings, slabs, edgings, mill or factory refuse, or any substance deleterious to fish, is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred and fifty dollars, or by imprisonment in the county jail in the county in which the conviction is had, not less than one hundred and twenty-five days, or by both such fine and imprisonment; and all fines imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the "fish commission fund."

Use of  
explosives  
and pollu-  
tion of  
waters.

SEC. 5. Section six hundred and thirty-seven of the Penal Code of the State of California is hereby amended to read as follows:

637. It shall be the duty of the state board of fish commissioners to examine, from time to time, all dams and artificial obstructions in all rivers and streams in this state naturally frequented by salmon, shad, and other migratory fish; and if, in their opinion, there is not free passage for fish over or around any dam or artificial obstruction, to notify the owners or occupants thereof to provide the same, within a specified time, with a durable and efficient fishway, of such form and capacity, and in such location as shall be determined by the fish commissioners, or persons authorized by them, and such fishway must be completed by the owners or occupants of such dam or artificial obstruction to the satisfaction of said commissioners, within the time specified; and it shall be incumbent upon the owners or occupants of all dams or artificial obstructions, where the state board of fish commissioners require such fishways to be provided, to keep the same in repair and open and free from obstructions to the passage of

Fish com-  
missioners  
to examine  
dams.

Fishways  
to be con-  
structed.

fish at all times; and no person shall willfully destroy, injure, or obstruct any such fishway, or at any time take or catch any salmon, shad, or other migratory fish or trout, except by hook and line within three hundred feet of any fishway required by the state board of fish commissioners to be provided and kept open, or at any time take or catch any such fish in any manner within fifty feet of such fishway; and every person violating any of the provisions of this act is guilty of a misdemeanor, and every person found guilty of a violation of any of the provisions of this act must be fined in a sum not less than one hundred dollars, or imprisoned in the county jail of the county in which the conviction shall be had not less than fifty days, or by both such fine and imprisonment; and all fines imposed and collected for any violations of the provisions of this act shall be paid into the state treasury to the credit of the "fish commission fund."

Penalty.

SEC. 6. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act takes effect immediately.

### CHAPTER XXIII.

*An act authorizing the appointment of a notary public in the city and county of San Francisco, to reside and transact notarial duties at Yerba Buena island, or Goat island, in the bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.*

[Approved February 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Notary  
public for  
Goat  
island.

SECTION 1. The governor is hereby authorized and empowered to appoint and commission one notary public in and for the city and county of San Francisco, to reside and transact his notarial duties at Yerba Buena island, known as Goat island, in the bay of San Francisco, in addition to the number of notaries now authorized by law to be appointed in said city and county. Such notary shall be subject to the general laws relating to notaries public.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXIV.

*An act to amend section four hundred and sixteen of the Political Code, relating to the fees to be charged by the secretary of state, and providing for the distribution of the same.*

[Approved February 17, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and sixteen of the Political Code is hereby amended to read:

416. The secretary of state, for services performed in his office, must charge and collect the following fees: Fees of secretary of state.

1. For a copy of any law, resolution, record, or other document or paper on file in his office, twenty cents per folio.

2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.

4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars, and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars, and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars, and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation without capital stock, except coöperative associations, five dollars; for filing articles of incorporation of coöperative associations, formed under the act of eighteen hundred and ninety-five, and acts supplementary thereto or amendatory thereof, fifteen dollars. Articles of incorporation.

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof of such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

10. For filing amended articles of incorporation, unless otherwise provided for, five dollars.

Fees of  
secretary  
of state.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate on continuance of existence, five dollars.

14. For issuing certificate of continuance of existence, three dollars.

15. For filing claim to trademark, and issuing certificate of filing, five dollars.

16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.

17. For filing certificate of increase or decrease of number of directors, five dollars.

18. For issuing certificate of increase or decrease of number of directors, three dollars.

19. For receiving and recording each official bond, five dollars.

20. For filing notice of appointment of agent, five dollars.

21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, and extradition papers excepted), five dollars.

22. For each patent for land issued by the governor, if for one hundred and sixty acres or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.

23. For issuing certificate of official character, two dollars.

24. For recording miscellaneous documents or papers, twenty cents per folio.

25. For filing certified copy of order and decree of court, changing name, five dollars.

No fees to  
be charged  
state  
officers.

No member of the legislature or state officer shall be charged for any search relative to matters appertaining to the duties of their office; nor shall they be charged any fee for a certified copy of any law or resolution passed by the legislature relative to their official duties.

Fees, how  
disposed  
of.

All fees collected by the secretary of state must, at the end of each month, be paid into the state treasury. Twenty-five hundred dollars of such monthly returns shall be credited to and constitute the state library fund, and the balance shall be paid into the general fund of the state.

SEC. 2. This act shall take effect and be in force from and after the date of its passage.

## CHAPTER XXV.

*An act to validate the organization and incorporation of municipal corporations of the sixth class.*

[Approved February 14, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All municipal corporations of the sixth class, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the sixth class, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, showing such copy of said order to have been filed in said office, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations of the sixth class from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of the said municipal corporations heretofore exercised according to the act aforesaid, are hereby validated and declared as legal.

Acts of  
cities of  
sixth class  
validated.

SEC. 2. This act shall take effect from and after its passage and approval.

## CHAPTER XXVI.

*An act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the attorney-general's office for the remainder of the fifty-fourth fiscal year.*

[Approved February 14, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six hundred dollars (\$600) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for postage, expressage, telegraphing, and contingent expenses of the attorney-general's office for the remainder of the fifty-fourth fiscal year.

Appropriation for  
contingent  
expenses,  
attorney-  
general's  
office.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXVII.

*An act to appropriate the sum of twelve hundred (1,200) dollars to pay for repairs to capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.*

[Approved February 14, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for repairs to capitol.

SECTION 1. The sum of twelve hundred (1,200) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for repairs to capitol building and furniture to be used during the remainder of the fifty-fourth fiscal year.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein appropriated, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER XXVIII.

*An act to provide one additional judge of the superior court of the county of Kern.*

[Approved February 17, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Additional judge of superior court of county of Kern.

SECTION 1. The number of judges of the superior court of the county of Kern is hereby increased from one (1) to two (2).

SEC. 2. Within ten (10) days after the passage of this act the governor shall appoint one (1) additional judge of the superior court of the county of Kern, who shall hold office until the first Monday after the first day of January, anno domini one thousand nine hundred and five (1905); and at the next general election to be held in November, anno domini one thousand nine hundred and four (1904), one (1) judge of said court in addition to the present number provided by law for said county shall be elected to hold office for the term prescribed by the constitution and by law.

Salary.

SEC. 3. The salary of said one (1) additional judge shall be the same in amount, and shall be paid at the same time and in the same manner as that of the other judge of the superior court of said county now authorized by law.

SEC. 4. This act shall take effect immediately from and after its passage.



## CHAPTER XXIX.

*An act to amend section thirty-four hundred and fifty-six and thirty-four hundred and fifty-nine of the Political Code of this state, relating to the appointment of commissioners of assessment in reclamation districts.*

[Approved February 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Sections thirty-four hundred and fifty-six and thirty-four hundred and fifty-nine of the Political Code of the State of California are hereby amended so as to read as follows:

3456. The board of supervisors of the county in which the district is situated, or if the district is in more than one county, then the board of supervisors of the county in which the greater portion of the land in said district is situated, must appoint three commissioners, disinterested persons, residents of the county in which the district, or some part thereof is situated, who must view and assess upon the land situated within the district a charge proportionate to the whole expense and to the benefits of which will result from such works, and estimate it in gold and silver coin of the United States. The same must be collected and paid into the county treasury as hereinafter provided, and be placed by the treasurer to the credit of the district, and paid out for works of reclamation upon the warrants of the trustees, approved by the board of supervisors of the county.

Board of supervisors to appoint commissioners of assessment in reclamation districts.

3459. If the original assessment is insufficient to provide for the complete reclamation of the lands of the district, or if further assessments are from time to time required to provide for the protection, maintenance, and repair of the reclamation works, the trustees must present to the board of supervisors of the county in which the district is situated, or if the district is situated in more than one county, then to the board of supervisors of the county in which the greater portion of the lands in said district are situated, a statement of the work done or to be done, and its estimated cost, and such board must make an order directing the commissioners who made the original assessment, or other commissioners, to be named in such order, to assess the amount of such estimated cost as a charge upon the lands within the district, which assessment must be made and collected in the same manner as the original assessment.

Additional assessments.

SEC. 2. This act shall take effect and be in force immediately from and after its passage.

## CHAPTER XXX.

*An act to amend section 3 of "An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables and to provide for a quarantine for the enforcement of this act," which became a law under constitutional provision without governor's approval March 11, 1899.*

[Approved February 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3 of an act entitled an act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables and to provide for a quarantine for the enforcement of this act which became a law under constitutional provision without governor's approval, March 11, 1899, is hereby amended so as to read as follows:

Diseased  
trees, etc.,  
to be dis-  
infected.

Quaran-  
tine.

Release.

Section 3. When any shipment of trees, shrubs, plants, vines, cuttings, grafts, cions, buds, fruit pits, or fruit or vegetables, imported or brought into this state, is found infested with injurious insects, or their eggs, larvæ, or pupæ, or reasonable cause to presume that they may be so infested, or infected with tree, plant, or fruit disease or diseases, the entire shipment shall be disinfected at the expense of the owner, owners, or agent. After such disinfection, it shall be detained in quarantine the necessary time to determine the result of such disinfection. If the disinfection has been so performed as to destroy all insects, or their eggs, and so as to eradicate all disease and prevent contagion, and in a manner satisfactory to the state horticultural quarantine officer, the quarantine guardian of the district, or the person commissioned by said board, the trees, vines, vegetables, seeds, or other articles shall then be released.

SEC. 2. This act shall take effect immediately from and after its passage.

## CHAPTER XXXI.

*An act to repeal an act entitled "An act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.*

[Approved February 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act to provide for the letting of contracts for lighting of streets and public buildings in

cities and towns in the State of California," approved March twenty-sixth, eighteen hundred and ninety-five, is hereby repealed. Repeal of act relating to street lighting.

SEC. 2. This act shall take effect immediately.

### CHAPTER XXXII.

*An act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this state.*

[Approved February 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000), to be expended in the discretion of the governor, for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this state during the year nineteen hundred and three. Appropriation for national encampment of Grand Army of the Republic.

SEC. 2. The governor of the state shall, immediately upon the passage of this act, demand from the state controller, and the state controller is hereby authorized and instructed upon such demand to draw his warrant in favor of the governor of the state for the sum of twenty-five thousand dollars (\$25,000), to be expended by him as above provided, and the treasurer is hereby authorized and directed to pay the same; *provided*, that the governor, in his discretion, may arrange for the expenditure of said money through the general committee of management of the thirty-seventh national encampment of the Grand Army of the Republic, organized under the auspices of the Grand Army of the Republic in this state. Governor to expend money.

SEC. 3. This act shall take effect from and after its passage.

### CHAPTER XXXIII.

*An act making an appropriation to pay the contingent expenses of the assembly, thirty-fifth session.*

[Approved February 23, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the contingent expenses of the assembly, thirty-fifth session. Appropriation to pay contingent expenses of assembly.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXXIV.

*An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by amending sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.*

[Approved February 23, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and three of the Penal Code is hereby amended to read as follows:

Court may  
summarily  
inquire  
into  
circum-  
stances.

1203. After plea or verdict of guilty, where discretion is conferred upon the court as to the extent of the punishment, the court, upon oral suggestions of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time and upon such notice to the adverse party as it may direct. At such specified time, if it shall appear by the record furnished by the probation officer, or otherwise, and from the circumstances, of any person over the age of sixteen years so having plead guilty or having been convicted of the crime, that there are circumstances in mitigation of the punishment, or that the ends of justice will be subserved thereby, the court shall have power, in its discretion, to place the defendant upon probation in the manner following:

Suspension  
of sen-  
tence.

1. The court, judge or justice thereof, may suspend the imposing of sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum possible term of such sentence, and upon such terms and conditions as it shall determine, and shall place such person on probation, under the charge and supervision of the probation officer of said court during such suspension.

2. If the judgment is to pay a fine, and that the defendant be imprisoned until it be paid, the court, judge, or justice, upon imposing sentence, may direct that the execution of the sentence of imprisonment be suspended for such period of time, not exceeding the maximum possible term of such sentence, and on such terms as it shall determine, and shall place the defendant on probation, under the charge and supervision of the probation officer during such suspension, to the end that he may be given the opportunity to pay the fine; *provided, however,* that upon the payment of the fine being made, judgment shall be satisfied and the probation cease.

Person re-  
leased on  
probation  
may be  
rearrested.

3. At any time during the probationary term of the person released on probation, in accordance with the provisions of this section, any probation officer may, without warrant, or other process, at any time until the final disposition of the case,

rearrest any person so placed in his care and bring him before the court, or the court may, in his discretion, issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interest of justice so requires, and if the court, in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates, or a vicious life. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time after the said suspension of the sentence within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence.

4. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may, at any time, when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall, at the end of the term of probation, be by the court discharged.

Termination of probation.

SEC. 2. Section twelve hundred and fifteen of the Penal Code is hereby amended to read as follows:

1215. If the judgment is for imprisonment, or a fine and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment is complied with. Where, however, the court has suspended sentence, or where, after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section twelve hundred and three of the Penal Code, the defendant, if over the age of sixteen years, must forthwith be placed under the care and supervision of the probation officer of the court committing him, until the expiration of the period of probation and the compliance with the terms and conditions of the sentence, or of the suspension thereof. Where, however, the probation has been terminated as provided in section twelve hundred and three of the Penal Code, and the suspension of the sentence, or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and be detained until the judgment be complied with.

Judgment, by whom and how executed.

SEC. 3. This act shall take effect immediately.

## CHAPTER XXXV.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered one hundred and thirty-one, relating to the powers and duties of the courts of the state in the appointment of probation officers, and defining the duties and powers of such officers.*

[Approved February 23, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section, No. 131, is added to Part I, Title I, Chapter VII, Article II, of the Code of Civil Procedure of the State of California, to read as follows:

Probation officer, when may be appointed.

131. 1. The judges and justices of the courts having original jurisdiction of criminal actions in this state shall, from time to time, if in their judgment the interests of justice will be promoted thereby, appoint a person or persons from among the officers of any charity organization, society, associated charities, or any strictly non-sectarian charitable association, or from among the citizens, either men or women, to perform the duties of probation officer, as hereinafter described, within the jurisdiction and under the direction of said court; to hold such office during the pleasure of the judge or justice making such appointment.

Expenses a county charge.

2. No probation officer appointed under the provisions of this section shall receive compensation for service as such probation officer; *provided, however,* that the probation officer shall be allowed his necessary expenses, and the same shall be a charge upon the county in which the court appointing him has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

Duties of probation officer.

3. Every probation officer so appointed shall, when so directed by the court, inquire into the antecedents, character, history, and offense of persons over the age of sixteen years arrested for a crime within the jurisdiction of the court appointing him, and shall report the same to the court. It shall be his duty to make such report of all cases investigated by him, of all cases placed in his care by the court, and of all other duties performed by him in the discharge of his office, as shall be prescribed by the court or judge making the appointment, or his successor, or by the court or judge assigning the case to him, or his successor, which report shall be filed with the clerk of the court, or where there is no clerk, the justice thereof. He shall keep a complete and accurate record of each case committed to his care, or investigated by him, in suitable books; also a record of the conduct of the person committed to his care during such term of probation, which record shall be

a part of the records of the court, and shall at all times be open to the inspection of the court, or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head officer of police, unless otherwise ordered by the court.

4. He shall furnish to each person released on probation committed to his care a written statement of the terms and conditions of his probation, and shall report to the court, judge, or justice appointing him, any violation or breach of the terms and conditions imposed by such court on the person placed in his care. Report to the court.

5. Such probation officer shall have, as to the person so committed to his care, the powers of a peace officer. Powers.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXXVI.

*An act to create and establish two new reclamation districts of this state, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin county; to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.*

[Approved February 23, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All that portion of Union Island, in San Joaquin county, embraced within the boundaries in section two of this act set forth, and the owners thereof, are hereby constituted and declared to be a reclamation district of this state, to be known and designated as Union Island reclamation district number one, for the purpose of protecting the land within such boundaries from overflow of water, and effecting and maintaining a complete and permanent reclamation thereof. Under that name, said district, when organized as hereinafter in this act provided, may contract, sue and be sued, and perform its other functions. Union Island Reclamation District No. 1.

SEC. 2. The boundaries of said Union Island reclamation district number one are as follows: Commencing at a point on the northern edge of the canal, commonly known as, and called by way of distinction, the Grant Line canal, where the same would be intersected by a line parallel with, and four hundred feet distant west from, the outer or western base of the Elk Ridge cross levee, at its southern extremity, and running from that point east, along the northern edge of said canal, to the eastern extremity thereof, and to the west berm of a levee con- Boundaries.

necting the levee on the northern bank of said canal with the levee known as the Wing levee; thence along the west berm of said connecting levee, and on the same line through the said Wing levee, to the outer or southern base of said Wing levee; thence following the course of said Wing levee, along its outer base to the intersection thereof with the south base of a levee connecting said Wing levee with Middle river, at the place where the county bridge across said river, known as the Mowry bridge, is situated, and following the south base of said connecting levee to the left bank of Middle river; thence following the edge of the left bank of said Middle river, down stream, to the point where such bank would be intersected by a line parallel with, and four hundred feet distant west from, the west base of said Elk Ridge cross levee at its northern extremity; thence in a general southerly direction, following the course of said Elk Ridge cross levee on a line parallel with, and four hundred feet distant west from the west base thereof, to the southern end of that levee, and thence on the same line continued to the point of beginning.

Union Isl-  
and Recla-  
mation  
District  
No. 2.

SEC. 3. All that other portion of said Union Island embraced within the boundaries in section four of this act set forth, and the owners thereof, are hereby constituted and declared to be a reclamation district of this state, to be known and designated as Union Island reclamation district number two, for the purpose of protecting the land within such boundaries from overflow of water, and effecting and maintaining a complete and permanent reclamation thereof. Under that name, said last mentioned district, when organized as hereinafter in this act provided, may contract, sue and be sued, and perform its other functions.

Bound-  
aries.

SEC. 4. The boundaries of said Union Island reclamation district number two are as follows: Bounded on the northwest by the canal connecting Old river with Middle river, known as and called by way of distinction the North canal, the east end of which canal is in section thirty-six, of township one north, range four east, and the west end in section eight, of township one south, range four east; on the north by Middle river; on the east by the west line of said Union Island reclamation district number one; on the south by the canal known as, and commonly called by way of distinction, the Grant Line canal; and on the west by Old river.

District  
by-laws.

SEC. 5. Immediately after the passage of this act, the owners of the land embraced in each of the aforesaid districts, or those of them owning a majority in acreage thereof, shall adopt, sign, and file for record, by-laws for the government and control of the affairs of said districts respectively, in the mode and as provided by section thirty-four hundred and fifty-two of the Political Code of this state, and may in like manner, from time to time thereafter, amend the same.

Board of  
trustees,  
election  
of and  
powers.

SEC. 6. The management of the affairs of each of said districts shall be vested in a board of trustees, composed of three eligible persons owning land in the district, to be elected by the landowners of the district under and in pursuance of



the provisions of section thirty-four hundred and ninety-one of said Political Code, and in accordance therewith; who, when so elected and qualified, shall constitute such board of trustees, and shall hold office for the term of two years next succeeding their election, and until their successors shall be elected and qualified. All such elections shall be called by the board of supervisors of San Joaquin county in like manner as if a petition for the formation of the district had been presented to that board. In case of vacancy in the board of trustees of either of said districts, said board of supervisors shall, by appointment, fill such vacancy. The rights, powers, privileges, authority, and duties of the board of trustees of each of the said districts shall be the same as are now or may be hereafter conferred upon and prescribed for the board of trustees of reclamation districts under the provisions of said Political Code. The first election for trustees of each of said districts shall be called by said board of supervisors immediately after the adoption of by-laws.

SEC. 7. In the adoption or amendment of by-laws and the election of trustees, as well as in other respects, the land within either of said districts belonging to the estate of any infant owner may be represented by the guardian of the estate of such infant, and that belonging to the estate of any deceased owner, by his executor or administrator. At any such election they shall, as such representatives, be entitled to vote either in person or by proxy, and shall be eligible to the office of trustee. If elected to that office they shall vacate the same whenever, during its term, they shall cease to be such guardian, executor, or administrator.

Infants,  
how repre-  
sented.

SEC. 8. Except as in this act otherwise provided, each of said districts, and its board of trustees, and the landowners of each of said districts, shall be controlled and governed by the Political Code of this state, and shall possess the same rights, powers, privileges, and authority now or hereafter given by said code to reclamation districts formed under its provisions, and to the board of trustees and the landowners of such reclamation districts.

Political  
Code to  
govern.

SEC. 9. Immediately upon the organization of the districts by this act created, all other reclamation districts in conflict therewith shall be and are hereby declared to be thereupon dissolved and abolished, and whatever rights may have been acquired or may be possessed by any such conflicting districts in or to any levee or portion of levee now existing on or near the margin of the land embraced in either of the districts hereby created, shall, upon such organization, vest in the district so organized which shall embrace such levee or portion of levee within its boundaries.

Conflict-  
ing dis-  
tricts dis-  
solved.

SEC. 10. This act shall take effect and be in force from and after its passage.

## CHAPTER XXXVII.

*An act to amend section 1885 of an act entitled "An act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and eighty-five of an act entitled "An act to establish a Political Code of the State of California," approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Form of  
school  
bonds.

1885. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof.

SEC. 2. This act shall take effect immediately.

## CHAPTER XXXVIII.

*An act to amend section seven hundred and fifty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1888.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and fifty-two of the act the title of which is recited in the title hereof, is hereby amended so as to read as follows:

Municipal  
officers,  
election  
and terms  
of.

Section 752. The members of the board of trustees, and of the board of education, and the city clerk, city attorney, assessor, marshal, treasurer, and recorder shall be elected by the qualified electors of said city at a general municipal election, to be held therein on the second Monday in April, nineteen hundred and three, and on the second Monday in April of each fourth year thereafter and shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, that a general municipal election shall be held in said city on the second Monday in April, nineteen hundred and five, for the election of successors to the members of the board of trustees and of the board of education whose terms of office expire during said year, and said successors shall hold office

Special  
provision  
for general  
election.

for the period of two years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The board of trustees may in their discretion appoint a poundmaster, also a superintendent of streets, and a city engineer, all of whom shall hold office during the pleasure of the board.

Appoint-  
ive officers.

SEC. 2. This act shall take effect immediately.

### CHAPTER XXXIX.

*An act to amend section 1882 of an act entitled "An act to establish a Political Code of the State of California, approved March 12, 1872, relating to the issue of bonds of school districts."*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and eighty-two of an act entitled "An act to establish a Political Code in the State of California, approved March twelfth, eighteen hundred and seventy-two, relating to the issue of bonds of school districts," is hereby amended so as to read as follows:

1882. Such notice must contain:

1. Time and place of holding such election;
2. The names of inspectors and judges to conduct the same;
3. The hours during the day in which the polls will be open;
4. The amount and denomination of the bonds; the rate of interest and the number of years, not exceeding forty, the whole or any part of said bonds are to run.

School  
bond  
elections.

SEC. 2. This act shall take effect immediately.

### CHAPTER XL.

*An act restricting the powers of boards of supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No license or licenses greater than five cents per head shall be imposed by the board of supervisors of any county on the business of raising, herding or pasturing sheep, and any and all licenses imposed by the board of supervisors of any county on the business of raising, herding or pasturing sheep, in excess of five cents per head, shall be and are hereby declared

License  
tax on  
sheep.

invalid; *provided*, the provisions of this act shall not apply to any license tax the validity of which is involved in any suit now pending, or to any such license tax due when this act takes effect.

SEC. 2. This act shall take effect immediately.

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## CHAPTER XLI.

*An act to amend section 680 of the Political Code of the State of California, relating to investing school funds.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and eighty of the Political Code of the State of California is hereby amended so as to read as follows:

Invest-  
ment of  
school  
funds.

680. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands, the board must invest the same in the civil funded bonds of this state, or in the bonds of the United States, or in the bonds of the several counties, city and county, cities or towns or school districts of this state; the investments to be made in such manner and on such terms as the board shall deem best for the fund; *provided*, that no bonds of any county, city and county, city or town or school districts, shall be purchased of which the debt, debts, or liabilities at the time exceed fifteen per cent of the assessed value of the taxable property of such county, city and county, city or town or school district.

SEC. 2. This act shall take effect immediately.

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## CHAPTER XLII.

*An act to amend and re-enact section 1265 of the Political Code relating to election ballots, their custody after election and their final destruction.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1265 of the Political Code is hereby amended and re-enacted so as to read as follows:

Clerk to  
keep  
ballots  
unopened.

1265. On receipt of the packages the clerk must file the one containing ballots, and must keep it unopened and

unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without opening or examining its contents; *provided however*, that after the time limited for a contest, and in the event any contests have been commenced, then after said ballots have been opened and counted by the superior court in said contests, a judge of the superior court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his court where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the county clerk. Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the county clerk, who shall reseal the packages with the ballots contained therein, and keep the same until he shall burn them, in accordance with the direction of this section; *provided further*, that if in any congressional district within this state there has been or shall be filed a contest of the election of any person declared to have been elected a member of congress, and the county clerk or registrar of voters in any county or city and county be notified by the contestant, that such congressional election contest is pending, then and in that case such county clerk or registrar of voters shall not destroy the ballots in that county or city and county, or in the part or portion thereof within such congressional district in which such contest is pending, until the final determination of such contest before the house of representatives of the congress of the United States; and such county clerk or registrar of voters shall hold such ballots in his custody subject to the inspection of any committee of the house of representatives or sub-committee thereof, having in charge the investigation of such contest, and shall produce such ballots for examination before any such committee of the house of representatives or sub-committee or before any commissioner designated by such congressional committee or sub-committee or before any officer designated by act of congress and duly selected to take depositions and proof in any such contest of the election of any person to congress.

Judge of superior court may order ballots opened.

Congressional election contest.

Clerk to produce ballots.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER XLIII.

*An act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Protection  
of depend-  
ent chil-  
dren.

"Depend-  
ent child"  
defined.

"Delin-  
quent  
child."

Judges of  
superior  
court,  
duties of.

SECTION 1. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a state institution, or any reform school for juvenile offenders, or any institution incorporated under the laws of the state for the care and education of children. For the purposes of this act the words "dependent child" shall mean any child under the age of sixteen years that is found begging, or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering, or receiving alms; or that is found wandering and not having any home or any settled place of abode, or proper guardianship, or visible means of subsistence; or that is found destitute, or whose home, by reason of neglect, cruelty, or depravity on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child; or that frequents the company of reputed criminals or prostitutes, or that is found living or being in any house of prostitution or assignation, or that habitually visits, without parent or guardian, any saloon, place of entertainment where any spirituous liquors, or wine, or intoxicating or malt liquors are sold, exchanged, or given away, or who is incorrigible, or who is a persistent truant from school. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state, or any ordinance of any town, city, county, or city and county of this state.

SEC. 2. In counties having more than one judge of a superior court, the judges of such court shall from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In the cities of the first class such designation shall be made by the presiding judge. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose

and known as the "juvenile record," and the court acting under this act, for convenience, may be called the "juvenile court." In justices' courts having more than one justice of the peace, and in police courts having more than one judge, the justices of the peace, and the judges of the police courts, from time to time shall designate one of their respective number whose duty it shall be to hear all cases coming under this act. All cases coming under the provisions of this act shall be heard at a special session of the court, and no matter other than cases under this act shall be on the calendar, or shall be heard at such session, nor shall there be permitted to be present at such special session any person on trial, or awaiting trial, who does not come under the provisions of this act.

Justices' courts.

Special sessions.

SEC. 3. Any citizen of the state may file with the county clerk a petition showing that there is within the county a dependent child, and praying that the superior court deal with such child as provided in this act. Such petition shall be verified, and shall contain a statement of the facts constituting such dependency as provided in section one of this act.

Filing petition.

SEC. 4. Upon the filing of the petition, provided for in section three hereof, a citation shall issue, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents of the child, if living, and if their place of residence be known, and it be within the county in which the court sits, or his legal guardian, if any, or if there be neither parent nor guardian, or if his or her residence is not known, then some relative, if there be any, and if his residence be known, and it be within the county where the court sits, shall be notified of the proceedings, and in any case, the judge may appoint some suitable person to act in behalf of the child, and may order such further notice of the proceeding to be given as he may deem proper. If the person cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court. In case the citation cannot be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child itself, or any of said persons. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case the child may be retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct.

Citation to issue.

Relative of child to be notified.

Failure to obey citation.

Commitment of child.

SEC. 5. When any child under the age of sixteen years shall be found to be dependent, within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society, or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children. The court may thereafter set aside, change, or modify such order.

Probation officers, appointment and duty of.

SEC. 6. Any judge of the superior court, acting under this act, shall have authority to appoint or designate one or more discreet persons of good character, of either sex, to serve, during the pleasure of the court making the appointment, as probation officers of the superior court, and of such justices' court, justice of the peace and police court, or either or any thereof, as may be designated in the order appointing such officer. When more than one probation officer is appointed, the court may designate one of the probation officers as chief probation officer and the others as deputy probation officers, and it shall be the duty of the chief probation officer to see that the deputies properly perform their duties. In case a probation officer shall be appointed to act under any court, judge, justice of the peace, or police judge, it shall be the duty of the clerk of the court appointing said officer, or if there be no clerk, it shall be the duty of the court, justice of the peace, or police judge, if practicable, to notify the said probation officer in advance when any child is to be brought before said court. It shall be the duty of the said probation officer to make such investigation as may be required by the court; to be in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as it may require, and to take such charge of any child before and after trial, as may be directed by the court. A probation officer or deputy probation officer under this act shall have, as to any child committed to his care, the power of a peace officer. At any time in his own discretion such officer may bring such child before the court committing such child to his care and custody, for such further or other action as the court may see fit.

Proceedings in justice's court.

SEC. 7. When any child under the age of sixteen years is arrested with or without warrant, such child may be taken directly before a justice of the peace or police judge. In the case of any delinquent child, the justice of the peace or police judge may continue the hearing from time to time, and may, at any time, commit the child to the care and custody of a probation officer and may allow such child to remain in the home of such child, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear to be necessary. If the justice of the peace or police judge at any time deems it necessary or to the best interest of the child that he should be committed to a state reform school or to the care



and custody of some association, society, or corporation, embracing in its objects the care of neglected, dependent, or delinquent children, or should be placed in a suitable family home, or that a guardian should be appointed for such child, the justice of the peace or police judge shall certify the case with a transcript of the docket or other record to the clerk of the superior court of the county or city and county in which the justices' court or police court is held, and the officer having the child in charge shall take the child before the superior court, and in any such case the superior court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided for dependent children. In any case the court shall require a notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

SEC. 8. In the case of a child alleged to be delinquent, within the meaning of this act, and brought before the superior court, said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of a probation officer, duly appointed by the court, and may allow such child to remain in the home of such child subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear necessary, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer, and the further order of the court, or it may authorize the said probation officer to board out the said child in some suitable family home in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment. Or the court may commit the child for such time during its minority, as the court may deem fit, to the care and custody of some association, society, or corporation that will receive it, embracing in its objects the care of neglected, dependent, or delinquent children. Or the court may commit such child to a state reform school, as is now, or may hereafter be provided by law. The court may thereafter set aside, change, or modify such order.

Proceedings in superior court.

SEC. 9. No court or magistrate shall commit a child under twelve years of age to a jail, prison or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, constable, or probation officer, who shall keep such child in some suitable place provided by the city, county, or city and county, outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or where adults are confined, it shall be unlawful to confine such child in the same room or yard or enclosure with such adult convicts or prisoners, or to permit

Restrictions on commitments.

such child to come or remain within sight of or meet or come into or remain in the presence of such adult convicts or prisoners.

Investigating Board, appointment and duties.

SEC. 10. The superior court of each county and city and county may appoint a board of six reputable citizens of either sex, who shall serve without compensation, whose duty it shall be to investigate all societies, associations, and corporations receiving, or applying to receive, children under this act; the said board shall report to the court from time to time as to the qualifications of such societies, associations, and corporations. Said board, if required by the court, shall also investigate and report as to the qualifications of any person by or on behalf of whom an application is made to be appointed as probation officer.

Acts relating to feeble-minded and reform institutions not repealed.

SEC. 11. Nothing in this act shall be construed to repeal any portion of the act entitled "An act to establish a state reform school for juvenile offenders, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, or any of the amendments thereto, or the act entitled "An act to establish the California home for the care and training of feeble-minded children, and provide for the maintenance of the same," approved March eighteenth, eighteen hundred and eighty-five, or any of the amendments thereto, or the act entitled "An act to establish a school of industry, and provide for the maintenance and management of the same, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, or any of the amendments thereto. And in all commitments to said institutions, the acts in reference to said institutions shall govern the same.

Inadmissible record.

SEC. 12. No record of, or testimony concerning any proceeding against any child under this act shall be admissible as evidence against such child in any other court or proceeding, except in proceedings under this act.

Act to be liberally construed.

SEC. 13. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody, and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family home, with people of the same religious belief, and become a member of the family by legal adoption or otherwise.

## CHAPTER XLIV.

*An act to amend section thirteen hundred and sixty-six of the Political Code of the State of California, relating to primary elections.*

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred sixty-six is hereby amended to read as follows:

1366. *Qualifications of voters.* The qualifications and registration of voters and the privileges of electors to attend the polls at primary elections shall be subject to the same tests and governed by the same rules and regulations as are in the Constitution and Political Code of this state established and prescribed for general elections; and the same officers who furnish the original affidavits of registration, indexes and supplements thereto, for general elections, as provided for in this code, shall furnish them for use at primary elections. It shall be the duty of the proper officers to furnish the original affidavits of registration, indexes and supplements thereto, for use at primary elections, which shall show the names of all voters entitled to vote at such elections; *provided*, that where a new registration pursuant to law is not completed in point of time sufficient to permit of its use at the next ensuing primary election, then the original affidavits of registration and indexes used at the last general election in any county, or city and county, in this state, may be used at any primary election, together with the original affidavits of registration since the last election and supplemental indexes, showing all additional registrations, changes and corrections made since the last general registration, completed to and including the twentieth day prior to the primary, which shall be the last day on which any person may register or transfer his registration, so as to entitle him to vote at such primary. And the election commissioners shall furnish, at least five days prior to any primary election, complete sets of indexes of the register and supplements thereto, for each precinct in which a primary election is to be held, to the secretary of each political organization participating in the primary. It is the duty of the county clerk to furnish, at least forty-eight hours prior to the day on which any primary election is held, under the provisions of this chapter, to the city or town clerk of the city or town in which a primary is to be held, all the original affidavits of registration, indexes and supplements thereto, for use by the officers of election at all the precincts at said primary election. City and town clerks are required to return to the county clerk, within twenty-four hours after the closing of the polls, all original affidavits of registration by them received from the county clerk.

Qualifications and registration of voters.

Indexes of register to be furnished.

Duty of county clerk.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER XLV.

*An act amending the Civil Code of the State of California, by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this state, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this state or of any other state or territory, or under any act of congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code of the State of California, numbered section four hundred and ninety-four, to read as follows:

Railroad corporation may sell its property.

494. Any railroad corporation, person or persons, firm or corporation, owning any railroad in this state, may sell, convey, and transfer its property and franchises, or any part thereof, to any other railroad corporation, whether organized under the laws of this state or of any other state or territory, or under any act of congress; and any other such railroad corporation receiving such conveyance may hold and operate such railroad franchises and property within this state, build and operate extensions and branches thereof, and thereunto exercise the right of eminent domain, and do any other business in connection therewith, as fully and effectually to all intents and purposes as if such corporation were organized under the laws of this state; *provided*, that before such sale, conveyance, or transfer shall become operative, an agreement in writing must be executed by the parties thereto, containing the terms and conditions of the purchase and sale, and its execution must be authorized by the board of directors and ratified by three fourths of the stockholders of each of the railroad companies that are parties to such conveyance and transfer, and said agreement or conveyance shall be recorded in each county through which said road or roads pass in this state; *and provided further*, that no sale, conveyance, or transfer under this act shall relieve the franchise or property sold, conveyed, or transferred, from the liability of the grantor contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges; *provided*, that this section shall not authorize any corporation to purchase any railroad property operated in competition with it; *and provided further*, that any or all established rates for fares and tolls for carrying passengers or freight between any points upon any railroad purchased under the provisions of this act, shall not be increased without the consent of the governmental authority in which is vested by law the power to regulate fares

Terms and conditions of sale.

Competing roads shall not be purchased.

Fares and toll shall not be increased.

and freights; *and provided further*, that whenever a railroad corporation, which has purchased any line of road under this act, shall for the purposes of competing with any other common carrier lower its rates for transportation of passengers or freight from one point to another upon such line purchased, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights; *and provided further*, that for every violation of the provisions of this act on the part of directors or governing officers of said corporation, the state shall be entitled to recover from such offending railroad company the sum of ten thousand dollars. It is hereby declared to be the duty of the attorney-general of the state, in the event of any such violation, to demand and collect from such company the said penalty; and he is hereby authorized and empowered to prosecute all the necessary actions in the name of the people of the State of California against such company in the courts of the state. All money so collected shall be paid into the general fund of this state.

Penalty.

Duty of  
attorney-  
general.

SEC. 2. This act shall take effect immediately.

## CHAPTER XLVI.

*An act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. In all cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class of this state where a regular police department is maintained, patrol captains, lieutenants, sergeants, and regular officers shall be required to serve on duty not longer than eight hours in every twenty-four hours; *provided*, that in case of riot or other emergency, every attaché of the police department shall perform such duty and for such time as the directing authority of the department shall require.

Hours of  
duty by  
police  
officers.

SEC. 2. This act shall take effect immediately.

## CHAPTER XLVII.

*An act to appropriate \$8,000.00 for the extension of the laundry building, and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for improvements.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eight thousand dollars, to be paid to the order of the board of managers of the Southern California State Hospital, for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; and for the construction of a reservoir and pipe-line for domestic water supply. Of which sum two thousand dollars shall be paid for the extension of the laundry building and purchase of additional machinery therefor; three thousand dollars for the purchase and erection of new boilers; and three thousand for the construction of a reservoir and pipe-line for domestic water supply.

Board of examiners, duty of.

SEC. 2. State board of examiners shall examine, audit, and allow all demands arising under this act, and the acts herein mentioned, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

Moneys to be used as specified.

SEC. 3. In no case shall the board of managers of said hospital use any moneys herein specifically appropriated for any purpose other than the one for which such appropriation is made.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER XLVIII.

*An act to amend section one thousand seven hundred and fifty-eight of the Code of Civil Procedure of the State of California, relating to testamentary guardians.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand seven hundred and fifty-eight of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

1758. Every testamentary guardian must qualify and has the same powers and must perform the same duties with regard to the person and estate of his ward as guardians appointed by the court, except so far as his powers and duties are legally modified, enlarged, or changed by the will by which such guardian was appointed, and except that such guardian need not give bond unless directed to do so by the court from which the letters of guardianship issue.

Qualification and powers of testamentary guardian.

## CHAPTER XLIX.

*An act to repeal an act entitled "An act relative to unpaid warrants and assessments in reclamation district number one hundred and eight," approved March 29, 1872.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act relative to unpaid warrants and assessments in reclamation district number one hundred and eight," approved March twenty-ninth, eighteen hundred and seventy-two, is hereby repealed.

Act relative to unpaid warrants repealed.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER L.

*An act to appropriate the sum of two thousand (2,000) dollars to pay for stationery, fuel, lighting and other necessary supplies, for the legislature and state officers, to be used during the remainder of the fifty-fourth fiscal year.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for fuel, etc., for fifty-fourth fiscal year.

SECTION 1. The sum of two thousand (2,000) dollars is hereby appropriated out of any money not otherwise appropriated, for stationery, fuel, lighting, and other necessary supplies for the legislature and state officers, to be used during the remainder of the fifty-fourth fiscal year.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein appropriated, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER LI.

*An act to amend section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-three hundred and forty-one of the Civil Code is hereby amended so as to read as follows:

Killing sheep, etc., by dogs.

3341. The owner, possessor, or harbinger of any dog or other animal, that shall kill, worry, or wound any sheep, angora goat, or cashmere goat, or poultry, shall be liable to the owner of the same for the damages and costs of suit, to be recovered in any court of competent jurisdiction:

1. In the prosecution of actions under the provisions of this chapter, it shall not be necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal, had knowledge of the fact that such dog or other animal would kill, wound or worry sheep, goats, or poultry.

2. Any person on finding any dog or dogs, or other animal, not on the premises of the owner or possessor of such dog or dogs, or other animal, worrying, wounding, or killing any sheep, angora or cashmere goats, may, at the time of finding such dog



or dogs, or other animal, kill the same, and the owner or owners thereof shall sustain no action for damages against any person so killing such dog or dogs, or other animal.

SEC. 2. This act shall take effect immediately.

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## CHAPTER LII.

*An act to amend an act, entitled an act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds, approved March 23, 1893, and all acts amendatory thereof, by adding thereto a new section, to be known as section twenty and one half relating to the employment of special counsel.*

[Approved February 27, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to said act, which section shall be numbered twenty and one half and shall read as follows:

Section 20½. The treasurer of each county, in his discretion, for the better furtherance of the purposes of this act, shall be allowed to employ such special attorney or attorneys, as he may deem necessary, who shall have all the authority conferred upon the district attorney by sections 14 and 15 of this act, and such attorney shall be paid (for his services) out of the fees now allowed the treasurer as provided in section 20 of this act, and that in no case shall such compensation exceed the per centum allowed as such fees.

County  
treasurer  
may  
employ  
special  
attorney.

SEC. 2. This act shall take effect from and after its passage.

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## CHAPTER LIII.

*An act making an appropriation for the purchase of law books for the attorney-general's office for the remainder of the fifty-fourth fiscal year.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two hundred and fifty dollars (\$250) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of law books for the attorney-general's office, for the remainder of the fifty-fourth fiscal year.

Law books  
for  
attorney-  
general's  
office.

SEC. 2. This act shall take effect immediately.

## CHAPTER LIV.

*An act to amend section 2606 of the Political Code of the State of California, relating to the establishment of a board of state harbor commissioners for the bay of San Diego.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-six hundred and six of the Political Code of the State of California is amended to read as follows:

Applica-  
tion to con-  
struct, etc.,  
wharf.

2606. Every person, association or corporation desiring to construct, erect, extend or maintain, or to continue the maintenance of any wharf, pier, marine ways, dry dock or ship yard in the waters of San Diego bay, or to procure the extension of his or its rights to maintain any wharf, pier, marine ways, dry dock or ship yard therein, must make an application to the said commissioners, in writing, signed by the applicant or applicants, and setting forth a map, plat or plan of said wharf, pier, marine ways, dry dock or ship yard, showing the location thereof, and of the lands and waters bordering thereon or near the same, and the names of the owners, occupants, or claimants of such lands and waters, or of the use thereof. Said map, plat, or plan shall also show the dimensions, form and construction of said wharf, pier, marine ways, dry dock or ship yard, and the distance into and along said waters the same shall extend, and also show the uses and purposes to and for which said structure is to be applied and the convenience and necessity, public or private, of, or for the same. Upon the presentation and filing of such application the commissioners must appoint a time and place for hearing the same, which shall be at least ten days and not more than twenty days from its presentation. Notice of the hearing shall be given by the said commissioners, by publication in at least two daily newspapers published in the county of San Diego, three times in the week of seven days, preceding the time appointed for the hearing. At the time and place appointed for such hearing, or such other time and place to which said hearing may be continued or adjourned, upon proof being made that notice of the hearing has been given as herein provided, the commissioners shall proceed to the examination of said application and the hearing of all parties and persons who may be brought before them touching or concerning the same, and after such hearing, and due deliberation, they may reject or refuse the said application, or grant the same as asked for, or make such conditions, restrictions, limitations, alterations or additions as they may deem necessary or proper. Such permission shall not be granted for a greater period than twenty-five (25) years. No

Hearing of  
applica-  
tion.

Duration  
of charter.

person shall build, construct or maintain any wharf or pier or marine ways, dry dock or ship yard, on or along the waters of said bay without first having obtained permission to do so from said commissioners, and whenever permission is granted to build, construct or maintain one, it shall be built, constructed or maintained out of material satisfactory to the said commissioners and not beyond the United States bulkhead line; *provided*, no franchise granted within or bordering upon the corporate limits of any city shall be valid until the same shall be ratified and confirmed by an ordinance of such city. Said commissioners shall have authority to fix a maximum toll to be charged for the use of any wharf, pier, marine ways, dry dock or ship yard, whether the same has already been constructed or shall hereafter be constructed, and to make all needful rules and regulations concerning the use of the same; *provided further*, that if at any time the said commissioners shall desire to terminate any franchise and to purchase any wharf, pier, marine ways, dry dock or ship yard, and the purchase price thereof cannot be agreed upon, then the owner of said franchise shall select two disinterested persons, and the said commissioners two disinterested persons, who shall ascertain and fix the value thereof, and if three of said four persons cannot agree, then they shall appoint a fifth competent disinterested person, and any three of said five persons may fix the value thereof, and upon the payment or tender thereof by the commissioners, they shall be entitled to the possession thereof and the title thereto shall vest in the State of California, and all franchises to build, construct or maintain any wharf, pier, marine ways, dry dock or ship yard, shall contain this provision therein; *provided*, that in fixing such value the franchise or privilege shall not be considered as of any value; *provided further*, that said commissioners shall fix the time when work shall be commenced upon any new structure and the time in which the same shall be completed, and if said structure shall not be completed within such time, or such additional time as the said commissioners shall give, then such right and franchise shall lapse and become void; *provided further*, that all franchises shall contain a provision to the effect that nothing therein contained shall be construed as permitting the erection or maintenance of any wharf, pier, marine ways, dry dock or ship yard, in such manner or in such place as to prevent or interfere with the erection and maintenance of a seawall in accordance with the plans heretofore adopted by said commissioners. The said commissioners are hereby authorized to grant to any person or railroad corporation authority to construct and maintain along and over the water front of the bay of San Diego, a railroad for a period not exceeding fifty (50) years, upon such terms and conditions as said commissioners may provide; *provided*, that where such railroad is within the limits of any city, such grant shall be approved, ratified and confirmed by an ordinance of such city.

Rates of toll.

Commissioners may purchase wharf.

Shall fix time when new structure shall be completed.

May grant right to construct railroad.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER LV.

*An act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the governor of any state or territory, any United States justice or judge, or the secretary of any executive department of the United States, a felony; and providing a penalty therefor.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Conspiracy to commit crime against President, etc.; penalty.

SECTION 1. If two or more persons conspire to commit any crime against the person of the President or Vice-President of the United States, the governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States, they are guilty of felony, and upon conviction thereof, shall be punished by imprisonment in the state prison not less than ten years.

Attempt to kill President, penalty.

SEC. 2. Every person who attempts to kill, or who commits any assault upon the President or Vice-President of the United States, the governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States, is guilty of a felony; and upon conviction thereof, shall be punished by imprisonment in the state prison not less than ten years.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER LVI.

*An act to amend sections 408, 409, 410, and 420, and to repeal section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of secretary of state.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and eight of said code is hereby amended to read as follows:

Duties of secretary of state.

408. In addition to the duties prescribed by the constitution, it is the duty of the secretary of state:

First—To attend at every session of the legislature, for the purpose of receiving bills and resolutions thereof, and to perform such other duties as may be devolved upon him by resolution of the two houses, or either of them;

Second—To keep a register of, and attest the official acts of, the governor;

Duties of  
secretary  
of state.

Third—To affix the great seal, with his attestation, to commissions, pardons, and other public instruments, to which the official signature of the governor is required;

Fourth—To record in proper books all conveyances made to the state (except conveyances made under the revenue law of lands sold for taxes), and all articles of incorporation filed in his office;

Fifth—To receive and record in proper books the official bonds of all the officers whose bonds are fixed by part three of this code, and then to deliver the original to the state treasurer;

Sixth—To record in a proper book all changes of names certified to him by the county clerks, in the manner in which such record is now made;

Seventh—To take and file in his office receipts for all books distributed by him, and to direct the county clerk of each county to do the same;

Eighth—To certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;

Ninth—To furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

Tenth—To deliver to the superintendent of state printing, at the earliest day practicable after the final adjournment of each session of the legislature, an index of all laws, resolutions (with marginal notes), and journals, kept, passed, or adopted at such session;

Eleventh—To present to the legislature, at the commencement of each session thereof, a full account of all purchases made and expenses incurred by him in furnishing fuel, lights, and stationery;

Twelfth—To keep a fee book, in which must be entered all fees, commissions, and compensation of whatever nature or kind by him earned, collected, or charged, with the date, name of payor, paid or not paid, and the nature of the service in each case, which book must be verified annually by his affidavit entered therein;

Thirteenth—To file in his office descriptions of seals in use by the different state officers and furnish such officers with new seals whenever required;

Fourteenth—To discharge the duties of member of the state board of examiners, state capitol commissioner, state sealer of weights and measures, and all other duties required of him by law;

Fifteenth—To report to the governor at the time prescribed in section three hundred and thirty-two, a detailed account of all of his official actions since his previous reports, and accompanying the report with a detailed statement, under oath, of the

manner in which all appropriations for his office have been expended.

SEC. 2. Section four hundred and nine of said code is hereby amended to read as follows:

Distribu-  
tion of  
statutes  
and  
journals.

409. Immediately after the laws, resolutions, and journals mentioned in subdivision tenth of the preceding section are bound, the secretary of state must distribute the same, as follows:

1. To each department of the government at Washington, and of the government of this state, one copy;
2. To the library of congress, the state library, and to the supreme court library, two copies each;
3. To each of the states, two copies;
4. To each of our members of congress, and to each of the United States district judges, judges of the supreme and superior courts of this state, one copy;
5. To the lieutenant-governor, each member of the legislature, secretary of the senate, and clerk of the assembly, at the session when such laws and journals were adopted, one copy;
6. To each of the incorporated colleges of the state, the university, and to such other literary and scientific institutions as in his opinion may secure an interchange of works, one copy;
7. Of the laws alone, to the county clerk of each county, in the cheapest and most expeditious manner, to be by the sheriff distributed under the direction of the clerks, one copy for the board of supervisors, one copy to each county officer, and each justice of the peace and police judge; and of the journals, three copies of each house to each county clerk, for the use of the county.

SEC. 3. Section four hundred and ten of said code is hereby amended to read as follows:

Distribu-  
tion of  
reports of  
supreme  
court.

410. He must distribute of the bound volumes of the decisions of the supreme court, as soon as he receives them:

1. To each state, one copy;
2. To the library of congress, the state library, and the supreme court library, two copies each;
3. To each department of this state, and to each of the United States district judges for this state, supreme and superior judges of this state, and to the judges of the police court of San Francisco, one copy;
4. To each district attorney and county clerk, one copy;
5. To the reporter of the decisions, ten copies.

SEC. 4. A new section is hereby added to the Political Code, to be numbered four hundred and fifteen, to read as follows:

Officers to  
assist sec-  
retary of  
state.

415. The secretary of state, to assist him in the discharge of the duties of his office, may appoint the following executive officers and no other: One deputy secretary of state, a keeper of the archives, a bookkeeper, five recording clerks, one statistician, one janitor, one janitor's clerk, two engineers, one of whom shall serve only during the sessions of the legislature, two firemen, one of whom shall serve only during the sessions of the legislature, four porters for the capitol building, one

porter for office of secretary of state, three watchmen, two elevator attendants, one of whom shall serve only during the sessions of the legislature; also two special clerks in each legislative year, to serve from January first to April first.

SEC. 5. Section four hundred and twenty of said code is hereby amended to read as follows:

420. The annual salary of the keeper of the archives is two thousand dollars; of each recording clerk, sixteen hundred dollars; of the statistician, two thousand dollars; of the janitor, two thousand dollars; of the janitor's clerk, sixteen hundred dollars; of one engineer, fifteen hundred dollars; of one fireman, ten hundred and eighty dollars; of one elevator attendant, nine hundred dollars; of each porter of the capitol building, ten hundred and eighty dollars; of the porter for the secretary of state's office, seven hundred and twenty dollars; of each watchman, ten hundred and eighty dollars. The monthly salary of the engineer serving during the sessions of the legislature is one hundred and twenty-five dollars; of the fireman serving during the sessions of the legislature, ninety dollars; of the elevator attendant serving during the sessions of the legislature, seventy-five dollars, and each special clerk serving from the first day of January to the first day of April during each legislative year, one hundred and twenty-five dollars. All such salaries are payable in the same manner and at the same time as other state officers.

Salaries of  
clerks and  
employés.

SEC. 6. Section four hundred and twenty-two of said code is hereby repealed.

SEC. 7. This act shall take effect from and after its passage.

## CHAPTER LVII.

### *An act in relation to municipal bonds.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by any municipal corporation now or hereafter existing in this state, shall present any such bond to the treasurer or other officer of such corporation, who by law performs the duties of treasurer, with a request for the conversion of such bond into a registered bond, such treasurer, or such other officer, shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print, or write upon such coupon bond, or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and prin-

Registered  
municipal  
bonds.

principal of said bond are payable to the registered owner. Thereafter, and from time to time any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to such treasurer, or such other officer, and the bond be again registered as before, a similar statement being stamped, printed, or written thereon. Such statement stamped, printed, or written upon any such bond may be in substantially the following form:

Form of  
registration.

(Date, giving month, year, and day.)

This bond is registered pursuant to the statute in such cases made and provided in the name of \_\_\_\_\_ (here insert name of owner) and the interest and principal thereof are hereafter payable to such owner.

\_\_\_\_\_,  
Treasurer (or such other officer).

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such treasurer, or such other officer, shall keep in his office a book or books which shall at all times show what bonds are registered and in whose names respectively.

Municipal  
option as  
to form of  
bonds.

SEC. 2. Whenever under any statute of this state or any charter of any municipal corporation in this state, any bonds are issued, whether the proceedings for the issuance of such bonds have been had in whole or in part prior to the enactment of this statute, or whether the same have been had in whole or in part after the enactment of this statute, such bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds, and some in the form of registered bonds, as has been or hereafter may be provided in the proceedings for the issuance of such bonds, and notwithstanding any language or provision to the contrary contained in any such statute or charter authorizing the issuance of the bonds, or in any other law of the state. The provisions of section one of this act shall apply to coupon bonds, so issued, as well as to other coupon bonds, or other bonds payable to bearer.

SEC. 3. This act shall take effect immediately.

## CHAPTER LVIII.

*An act to provide for the protection of the banks of Eel river against the ravages of high water, and making an appropriation therefor.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation  
for  
protection  
of banks of  
Eel river.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars (\$5000.00), for the survey and other work



preliminary to the construction of a riprap protection to, and for the construction of such riprap work, on the banks of Eel river, in the county of Humboldt, State of California, at certain points thereon hereafter to be determined, to prevent the washing away of the banks of said river by winter floods.

SEC. 2. The survey and construction of said riprap work, for which said money is appropriated, is to be conducted under the direction of, and in accordance with, plans and specifications to be prepared and furnished by the highway commissioner of the State of California.

Highway  
commissioner to  
conduct  
survey.

SEC. 3. The highway commissioner of the State of California is hereby authorized and instructed to locate the points on Eel river where such riprap work shall be constructed, to make necessary surveys and to furnish all plans and specifications for such work, and to supervise the construction thereof, and shall examine, audit, and allow all demands arising under this act. The state controller is hereby authorized and instructed to draw his warrant for all moneys so allowed by said highway commissioner, and the state treasurer is hereby authorized to pay the same.

SEC. 4. This act shall take effect and be in force on and after its passage.

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## CHAPTER LIX.

*An act to confirm, validate and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.*

[Approved February 28, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That all certificates of tax sales and tax deeds made to this state by the county tax collector, which certificates and deeds are based upon the sale of property for non-payment of taxes, and which certificates and deeds fail to recite the correct date, or any date, when the right of redemption will expire, or had expired, or which certificates recite an incorrect date when the state would be entitled to a deed, be and they are hereby confirmed, validated, and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such matters and things required by law had been recited therein and performed in the first instance; *provided*, that in all cases five years shall have elapsed between the date of sale of the property to the state for non-payment of taxes and the date of the execution of such deed.

Legalizing  
tax sales  
and tax  
deeds.

SEC. 2. This act shall take effect immediately.

## CHAPTER LX.

*An act creating a fund for the benefit and support of high schools and providing for its distribution.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Tax levy for support of high schools.

SECTION 1. There is hereby levied annually for the fifty-fifth and fifty-sixth fiscal years, ending respectively June thirtieth, nineteen hundred and four, and June thirtieth, nineteen hundred and five, an ad valorem tax of one and one half cents upon every hundred dollars of the value of the taxable property of the state, which tax shall be collected by the several officers charged with the collection of state taxes, in the same manner and at the same time as other state taxes are collected, upon all and any class of property, which tax is for the support of regularly established high schools of the state. And it is further enacted that, beginning with the fifty-seventh fiscal year, to wit: July first, nineteen hundred and six, it shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time that he is required to estimate the amount necessary for other school taxes, to estimate the amount necessary to be levied for the support of high schools. This amount he shall estimate by determining the amount required at fifteen dollars per pupil in average daily attendance in all the duly established high schools of the state for the last preceding school year, as certified to him by the state superintendent of public instruction. This amount the state controller, between the dates above given, must certify to the state board of equalization.

Duty of state controller.

Tax, how estimated.

Rate of tax.

SEC. 2. The state board of equalization at the time when it annually determines and fixes the rate of state taxes to be collected, must declare the levy and the rate of tax for the support of state high schools in conformity with the provisions of section one of this act.

Creation of "state high school fund."

SEC. 3. The money collected as provided in sections one and two hereof, after deducting the proportionate share of expenses of collecting the same to which other taxes are subject, must be paid into the state treasury, to be by the state treasurer converted into a separate fund, hereby created, to be called the "state high school fund."

Appropriation without reference to fiscal years.

SEC. 4. The money paid into the state high school fund is hereby appropriated without reference to fiscal years for the use and support of regularly established state high schools and is exempt from the provisions of part three, title one, article eighteen, of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, relating to the state board of examiners.

SEC. 5. The money in said state high school fund shall be apportioned to the high schools of the state by the state superintendent of public instruction in the following manner: He shall apportion one third of the annual amount among the county, district, city, union, or joint union high schools of the state, irrespective of the number of pupils enrolled or in average daily attendance therein, except as hereinafter provided; the remaining two thirds of the annual amount he shall apportion among such schools pro rata upon the basis of average daily attendance as shown by the official reports of the county or city and county school superintendents for the last preceding school year; *provided*, that such high schools have been organized under the law of the state, or have been recognized as existing under the high school laws of the state and have maintained the grade of instruction required by law of the high schools; *and provided*, that no school shall be eligible to a share of said state high school fund that has not during the last preceding school year employed at least two regularly certificated high school teachers for a period of not less than one hundred and eighty days with not less than twenty pupils in average daily attendance for such length of time, except in newly established high schools wherein the minimum average daily attendance for the first year of one hundred and eighty days may be but twelve pupils and but one teacher; *and provided*, that before receiving state aid, each school shall furnish satisfactory evidence to the superintendent of public instruction of the possession of a reasonably good equipment of building, laboratory, and library, and of having maintained, the preceding school year, proper high school instruction for a term of at least one hundred and eighty days; *provided further*, that the foregoing provisions relating to the average daily attendance and the number of teachers employed shall not operate to disqualify any legally established high school existing at the date of the passage of this act from receiving a share of said state high school fund until July 1, 1904.

Apportionment of funds.

Schools not eligible to share in apportionment.

SEC. 6. The principal of every high school entitled to state aid in accord with the foregoing provisions shall annually at the close of the term and prior to receiving his last month's salary and as a prerequisite for such salary make out under oath and deliver to the county superintendent of the county or city and county wherein such high school is situated a full and complete report of said high school for the entire term or school year; such report to show the number of pupils enrolled, the average daily attendance, number of teachers regularly employed, the courses of instruction pursued, and such other information as may be required by the superintendent of public instruction and the county superintendent of schools, the said report to be made upon blanks furnished by said superintendent of public instruction as other school report blanks are furnished; *provided*, that in the case of joint union high school districts the principals thereof shall report as above required to county superintendents of each of the counties having terri-

Principal of high school must make annual report.

tory within such joint union high school districts, and in such reports the statistics of attendance and other data for each county separately and collectively shall be given.

County  
superin-  
tendent to  
report  
annually.

SEC. 7. The county superintendent of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, shall annually, at the time required for making reports of primary and grammar schools, make report under oath to the superintendent of public instruction, showing the number of pupils enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the high schools of his county, or city and county, as he may deem proper, or as may be required by the superintendent of public instruction; said report to be made upon blanks furnished by the superintendent of public instruction.

Requisi-  
tions  
against  
fund.

SEC. 8. It shall be the duty of the county or city and county superintendent of schools of every county, or city and county, wherein is located a high school, or the building or buildings of a joint union high school, on the order of the board of trustees of such high school, to draw his requisition upon the county auditor against the funds of such high school, but no requisition shall be drawn unless the money is in the fund to pay it, and no requisition shall be drawn upon the order of the board of high school trustees or board of education against the state high school fund, except for teachers' salaries, and the order shall state the monthly salary of the teacher, and name the month or months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition, and the county treasurer is hereby authorized to pay the same.

Conditions  
of state  
aid.

SEC. 9. High schools organized under the present law for the establishment of high schools and receiving state aid under this act shall within one year after first beginning to receive such state aid provide at least one course of study such as will prepare pupils for admission to one of the colleges of the University of California, and for that purpose said high schools shall be subject to inspection by a duly accredited representative of said university. High schools eligible to receive state aid as herein provided shall admit as students only such pupils as have completed the full course of instruction prescribed for the primary and grammar schools of the county or city and county wherein the high school is located, or an equivalent course, or such pupils as may show by thorough examination that their qualifications are equivalent to the requirements for graduation from said primary and grammar school course; *provided*, that pupils otherwise qualified to enter a high school and residing in territory wherein no high school exists shall have the right to attend any high school that receives state aid under the provisions of this act without the payment of tuition fee, if such schools have room or accommodations for them.

SEC. 10. The state controller must keep a separate account of the high school fund raised as provided in sections one and two of this act. He must on the first Monday in January and on the first Monday in July in every year report to the superintendent of public instruction a statement of all moneys belonging to the state high school fund. He must draw his warrant on the state treasurer in favor of any county or city and county treasurer whenever such treasurer presents, with his endorsement, an order drawn by the superintendent of public instruction against the state high school fund, and the state treasurer is hereby authorized to pay the same; *provided*, that in the case of counties having joint union high school districts the order of the superintendent of public instruction and the warrant of the state controller shall be in favor of the county treasurer of that county wherein the high school building or buildings are located or wherein the high school is being conducted.

State controller,  
duty of.

SEC. 11. It is hereby made the duty of the treasurer of every county, or city and county, that receives state money under the provisions of this act to place the same to the credit of the funds of the respective high schools of his county, or city and county, in accord with the apportionment made by the superintendent of public instruction, and to pay out the same according to the provisions of section eight of this act.

Duty of  
county  
treasurers.

SEC. 12. This act shall take effect and be in force from and after its passage.

## CHAPTER LXI.

*An act to amend section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed, or tide lands, of the State of California.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirty-four hundred and forty-three of the Political Code of the State of California is hereby amended so as to read as follows:

3443. Any person desiring to purchase swamp and overflowed, or tide lands, above low tide, must make an affidavit and file the same in the office of the surveyor-general of the state, that he is a citizen of the United States, or has filed his intention to become so; a resident of the state, of lawful age; that he desires to purchase lands (describing them) under the law providing for the sale of swamp and overflowed and tide lands; that he does not know of any valid claim to the same, other than his own; and, if the land is swamp and overflowed, that he knows the land applied for and the exterior bounds thereof, and knows, of his own knowledge, that there are

Applica-  
tion for  
purchase  
of swamp,  
etc., lands.

False state-  
ment a  
felony.

Prior  
rights, how  
deter-  
mined.

Jurisdic-  
tion of  
court.

no settlers thereon; or, if there are, that the land has been segregated more than six months by authority of the United States, and that the land which he now owns (swamp and overflowed), together with that sought to be purchased, does not exceed six hundred and forty acres. Any false statement contained in the affidavit defeats the right of the applicant to purchase the land, or to receive any evidence of title thereto, and if willfully false, subjects him also to punishment for perjury. If at any time after such affidavit shall have been filed in the office of the surveyor-general, and prior to the issuance of patent for the lands described therein, whether such affidavit shall have been filed before the passage of this act or thereafter, it shall be made to appear to the surveyor-general by the affidavit of any settler or person occupying such land for farming purposes, that he, or those under whom he claims, have been in the possession and occupancy of such lands, or any part thereof, for farming purposes, for over ten years next prior to the date of the filing of the affidavit of the person desiring to purchase, and that his or their occupancy was open and notorious and was evidenced by actual enclosure, or by ditches, or monuments, or embankments, or levees, showing the actual extent thereof, and that he, or they under whom he claims, had, at the time of the filing of said affidavit by the person desiring to purchase, actually reclaimed such land and reduced the same to a state of cultivation, and had been farming and cultivating the same; or if it shall appear from such affidavit filed by such person, that the affidavit filed by the person desiring to purchase the land is false in any of the statements made therein, the surveyor-general shall make an order referring the questions raised by such affidavits to the superior court of the county in which the land, or some part thereof, is situated. Within thirty days from the date of such order of reference, the party filing the affidavit raising such questions shall commence, in said court, an action to determine the same. In his complaint in said action he shall set forth copies of the affidavit filed by the person desiring to purchase said land, and of the affidavit filed by himself with the surveyor-general. The production of a certified copy of such order of reference shall give such court full and complete jurisdiction to hear and determine the action. Pending the final judgment in such action, all proceedings in the surveyor-general's office respecting such lands shall be stayed. If upon the trial of such action it shall appear that the statements made in the affidavit filed by the person desiring to purchase the land were, in any of the statements made therein, false, or if it shall appear that the statements made in the affidavit filed by the settler or occupant of such land are true, the approval of location or certificate of purchase, if any shall have been made or issued, shall be canceled by judgment of said court. But if it shall appear upon the trial of said action that the statements contained within the affidavit of the person desiring to purchase the land are true, and that the statements made in the affidavit of the settler or occupant are untrue, the said court shall enter its

judgment accordingly. Upon the filing with the surveyor-general of a copy of the final judgment of the court in said action, that officer must, if the judgment of said court shall cancel such location or certificate of purchase, enter an order of cancellation accordingly. But if by said judgment it shall be decreed that the person desiring to purchase said land is entitled to purchase the same, the surveyor-general shall approve the location, or issue the certificate of purchase or other evidence of title, in accordance with such judgment.

Duty of  
surveyor-  
general.

SEC. 2. This act shall take effect and be in force from and after its passage.

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## CHAPTER LXII.

*An act to amend section fifty-seven of the Code of Civil Procedure, relating to appeals to the supreme court.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifty-seven of the Code of Civil Procedure is hereby amended so as to read as follows:

57. Appeals in probate proceedings and contested election cases shall be given preference in hearing in the supreme court, and be placed on the calendar in the order of their date of issue, next after cases in which the people of the state are parties.

Preference  
of appealed  
cases.

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## CHAPTER LXIII.

*An act to amend section 14 of an act entitled "An act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provision of said act, and prescribing the duties of societies organized in accordance with the provisions of said act, and a manner in which said societies may receive compensation for the performance thereof.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fourteen of an act entitled "An act for the more effectual prevention of cruelty to animals," approved March twentieth, eighteen hundred and seventy-four, and

amended March thirteenth, one thousand nine hundred and one, is hereby amended so as to read as follows:

Duty of societies for prevention of cruelty to animals.

Section 14. It shall be the duty of the society first organized and incorporated as herein provided, in each city and county, or county, to actively engage in enforcing the provisions of this act, and arresting and prosecuting offenders thereunder, and in preventing cruelty to animals. Every person convicted of any misdemeanor under this act, shall be punished as in law provided for the punishment of misdemeanors, and all fines and forfeitures imposed and collected in any county, or city and county, under the provisions of this act, shall inure to the society in said county, or city and county, organized and incorporated as herein provided, in aid of the benevolent object for which it is incorporated, and in addition to said fines, the said society so organized and incorporated, may, in each city, or city and county, or county, where such society exists, while actively engaged in enforcing the provisions of this act, or arresting, or prosecuting offenders thereunder, or preventing cruelty to animals, be paid, as compensation therefor, from the county, or city and county, general fund by the board of supervisors, a sum not to exceed one hundred and fifty dollars per month, in the same manner as other claims against said county, or city and county, are paid.

Compensation, a county charge.

SEC. 2. This act shall take effect and be in force from and after its passage.

#### CHAPTER LXIV.

*An act to amend section twenty-six hundred and forty-three of the Political Code, relating to duties of supervisors respecting roads.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-six hundred and forty-three of the Political Code is hereby amended to read as follows:

Powers of supervisors respecting roads.

2643. The boards of supervisors of the several counties of the state shall have general supervision over the roads within their respective counties. They must by proper order:

1. Cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary to public convenience, as in this chapter provided.

2. Cause to be recorded as highways all highways which have become such by usage, dedication or abandonment to the public, or by any other means provided by law, and to prepare and record proper deeds and titles thereto.

3. Abolish or abandon such as are not necessary.

4. Acquire the right of way over private property for the use of public highways, and for that purpose require the district attorney to institute proceedings, under title seven,



part three, of the Code of Civil Procedure, and to pay therefor from the general road fund or the district road fund of the county.

5. Levy a property tax for road purposes.

6. Cause to be erected and maintained, at the intersections and crossings of highways, guide posts properly inscribed.

7. Cause the road tax collected each year to be apportioned to the several road districts entitled thereto, and kept by the county treasurer in separate funds.

8. Audit all claims on the funds set apart for highway purposes, and specify the fund, or funds, from which the whole or any part of any claim, or claims, must be paid.

9. In their discretion, they may provide for the establishment of gates on the public highways, in certain cases, to avoid the necessity of building road fences, and prescribe rules and regulations for closing the same, and penalties for violating said rules; *provided*, that the expense for the erection and maintenance of such gates shall in all cases be borne by the party or parties for whose immediate benefit the same shall be ordered. Gates.

10. For the purpose of sprinkling the roads in any part of the county with oil or water, the board of supervisors may erect and maintain waterworks and oil tanks and reservoirs, and for such purposes may purchase or lease real or personal property. The costs of such waterworks, oil tanks and reservoirs and the sprinkling of said roads with oil or water may be charged to the general county fund, the general road fund, or the district fund of the district or districts benefited. Sprinkling

Whenever it is determined by a two-thirds vote of the board of supervisors of any county that the public convenience and necessity demands the acquisition or construction of a road in excess of three miles in length the cost of which will be too great to pay out of any of the road funds of the county the board of supervisors may by a resolution passed by a two-thirds vote of the board of supervisors determine to acquire or construct such road and thereafter may proceed to acquire or construct such road and if the cost of such road when constructed shall exceed five thousand dollars, such cost may be charged to the general county fund, the general road fund or the district fund of the district or districts benefited. New roads may be paid for out of general fund.

11. Whenever it shall be determined that any grading, graveling, macadamizing, ditching, sprinkling, or other work upon highways is necessary, and is to be done, and where the estimated cost of such work amounts to three hundred dollars, the board of supervisors must, by proper order, direct the county surveyor to make definite surveys of the proposed work, and to prepare profiles and cross-sections thereof, and to submit the same with the estimate of the amount or amounts of work to be done, and cost thereof, and with specifications thereof. Said report shall be prepared in duplicate, one copy to be filed in the surveyor's office, and the other to be filed with the clerk of the board of supervisors. The board upon receipt of such report must advertise for bids for the performance of the County surveyor to submit estimates of cost.  
Board must advertise for bids.

work specified. Such advertisement for bids must be published for two weeks in two newspapers, one published at the county seat and the other at a point nearest the proposed work. Such advertisement must be in the following form:

Form of advertisement.

“Office of the clerk of the board of supervisors,  
\_\_\_\_\_ county, \_\_\_\_\_, 190—.

“Sealed bids will be received by the clerk of the board of supervisors of \_\_\_\_\_ county, at his office, until \_\_\_\_\_ o'clock \_\_\_\_\_ M., \_\_\_\_\_, 190—, for \_\_\_\_\_, on \_\_\_\_\_ in \_\_\_\_\_ district, in \_\_\_\_\_ county.

“Specifications for this work are on file in the office of the said board, to which bidders are hereby referred.

\_\_\_\_\_ ,  
“Clerk of the board of supervisors  
of the county of \_\_\_\_\_.”

Notice must be posted.

And such advertisement must also be posted, for at least two weeks prior to the opening of the bids for the proposed work, in three conspicuous places in the district or districts in which the proposed work lies, and one at the site of the proposed work. Bids must be enclosed in a sealed envelope, addressed to the clerk of the board of supervisors, and must be indorsed, “Bids for \_\_\_\_\_,” and must be delivered to said clerk prior to the hour specified in the advertisement. The board shall publicly open and read such bids as may be submitted, and must award the contract for the work to the lowest bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected, and the work ordered done by the road commissioner, or commissioners, in whose district or districts, the work may be situated. In case the work shall be let by contract, monthly or quarterly payments may be made thereon upon the receipt of a certified estimate by the county surveyor of the amount of work done during the preceding month or quarter, to the extent of seventy-five per cent of the value of said work, the remaining twenty-five per cent being due on the completion of the work. The services of the surveyor in making such partial estimates must be paid for by the contractor. Upon the completion of the work, the county surveyor must examine the same, and if completed in accordance with the specifications thereof, he must submit to the board of supervisors a certificate over his signature and official seal to the effect that such work by the contractor therefor has been completed in accordance with the specifications therefor, and recommending its acceptance. The board shall thereupon audit the same and direct its payment out of the proper fund, or funds.

Work may be done by road commissioner.

Side paths.

12. In their discretion, they may set apart on any public road or highway a strip of land, not exceeding six feet in width, for a side path; and make an order designating the width of such path, and cause the lines separating the path from the road to be located and marked by stakes or posts, placed at such distances apart as they shall deem proper. After said

path has been set apart, and the lines separating the same from the road has been located and marked, as aforesaid, the use of the same is hereby restricted to pedestrians and riders of bicycles, and other vehicles propelled solely by the power of the rider. The expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited.

SEC. 2. This act shall take effect and be in force from and after its passage.

#### CHAPTER LXV.

*An act to repeal an act entitled "An act creating a board of bank commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an act approved March 10, 1887, and as amended by an act approved March 25, 1895, relating to the powers and duties of such bank commissioners.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled, "An act creating a board of bank commissioners, and prescribing their duties and powers," approved March thirtieth, eighteen hundred and seventy-eight, and as amended by an act approved March tenth, eighteen hundred and eighty-seven, and as amended by an act approved March twenty-fifth, eighteen hundred and ninety-five, relating to the powers and duties of such bank commissioners, is hereby repealed.

Bank commission act repealed.

SEC. 2. This act shall be in force and take effect from and after its passage.

#### CHAPTER LXVI.

*An act to regulate the sales of perishable products on the wharves and other state property in the city and county of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the board of state harbor commissioners and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be unlawful for any person to sell, upon the public wharves or other property belonging to this state, in the city and county of San Francisco, and within the jurisdic-

Unlawful to sell perishable products on state wharves without permit.

tion of the board of state harbor commissioners, any fruit, vegetables, poultry, eggs, honey, game, or other produce commonly known, and hereinafter referred to as perishable products, unless such person or the person, firm or corporation, which he may duly represent, shall hold the permit hereinafter described authorizing such sales to be made. Any violation of this act shall be deemed a misdemeanor punishable by a fine of not less than twenty-five dollars or more than five hundred dollars.

Persons not holding permits must remove products.

SEC. 2. Perishable products consigned to persons, firms or corporations not holding the permit hereinafter described, and delivered by carrier upon any wharf on the San Francisco water front, must be removed from said wharf within twenty-four hours after their arrival, and the board of state harbor commissioners must levy and collect on such perishable products in addition to the regular state tolls, such additional wharfage as they may prescribe, but not less than the amount of the regular tolls, for each twenty-four hours or fraction thereof which such perishable products shall remain upon the wharf.

Conditions upon which permits shall be issued.

SEC. 3. Upon application of any person, firm or corporation receiving or expecting to receive perishable products to be delivered by carrier upon any wharf on the San Francisco water front, the board of state harbor commissioners shall issue free of charge to such applicant, a permit authorizing him to sell such products when delivered on the wharves or state property, during the time such perishables are permitted to remain there, under the general regulations prescribed by the commission; *provided*, nevertheless that said permit shall not be issued until the applicant shall have signed the application which shall read as follows:

Form of application.

"I (or we),—— expecting to receive consignments of perishable products to be delivered by carrier on the wharves or other property of the State of California in the city and county of San Francisco, and desiring to dispose of the same before removal, hereby make application for a permit to be valid for one year from the date of issue, to sell perishable products on said wharves or other state property. In consideration of the receipt of such permit, I (or we) promise to faithfully observe all the regulations which are or may be prescribed by the board of the state harbor commissioners in regard to such sales, and in particular I (or we) agree that I (or we) will not, during the life of such permit, be a party to any conspiracy, agreement or understanding whereby I (or we) shall refuse to sell any solvent purchaser or buy from any person whatever, and I (or we) agree that I (or we) will sell, impartially, and at the same prices, to all who desire to purchase for cash, without regard to their business or intended disposition of the products, and will exercise no discrimination whatever between buyers or sellers, by reason of their occupation, affiliations or non-affiliations. I (or we) also agree that in case of violation of this agreement, the board of state harbor commissioners may revoke the permit hereby applied for, whereupon I (or we) agree to

surrender the same, and I (or we) agree that the board of state harbor commissioners shall be the sole judges of the fact of such violation, I (or we) having had a hearing in the matter.

Date \_\_\_\_\_

SEC. 4. The permit herein provided for shall be in such form as the board of state harbor commissioners may determine and shall be valid for one year from date of issue and no longer.

Form of permit.

SEC. 5. In case of violation of his agreement by the holder of any permit the board of state harbor commissioners upon a hearing after giving due notice to all parties concerned, and finding the fact of such violation shall revoke and cancel the permit, and shall not issue a new permit to the offending party, except upon a new execution of the agreement hereinbefore set forth and the payment of a fee of fifty dollars, and the right to receive a new permit shall rest in the discretion of said board of state harbor commissioners.

Violation of agreement; penalty.

SEC. 6. The board of state harbor commissioners and all its officials and employes are charged with the enforcement of this act, and shall eject from the wharves or other state property all persons found attempting to make sales in violation of this act. And the board of state harbor commissioners through such officials as it may from time to time designate, shall prosecute all violations of this act in the proper court.

Duty of harbor commissioners.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect immediately.

CHAPTER LXVII.

*An act to amend the Civil Code by adding two new sections thereto to be numbered one hundred thirty-one and one hundred and thirty-two, to title one, of part one, chapter two, article three, relating to actions for divorce.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The Civil Code of California is hereby amended by adding two new sections to title one, part one, chapter two, article three, to be numbered sections one hundred thirty-one and one hundred thirty-two to read as follows:

131. In actions for divorce the court must file its decision and conclusions of law as in other cases, and if it determines that no divorce shall be granted, final judgment must thereupon be entered accordingly. If it determines that the divorce ought to be granted an interlocutory judgment must be entered, declaring that the party in whose favor the court

Interlocutory judgment.

decides is entitled to a divorce, and from such interlocutory judgment an appeal may be taken within six months after its entry, in the same manner and with like effect as if the judgment were final.

Final judgment, after one year.

132. When one year has expired after the entry of such interlocutory judgment, the court on motion of either party, or upon its own motion, may enter the final judgment granting the divorce, and such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment or motion for a new trial made, final judgment shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

## CHAPTER LXVIII.

*An act to amend an act entitled "An act to authorize the state board of harbor commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Free public market.

SECTION 1. The board of state harbor commissioners shall, within one year from the passage of this act, set apart upon some convenient portion of the water front of San Francisco a sufficient number of blocks and parts of blocks belonging to the state contiguous to the docks and piers for a free market for the greater portion of all the perishable products of the State of California arriving in San Francisco by land, boat, or other conveyance, including fruit, vegetables, eggs, poultry, grain, dairy products, and fish, and shall permit the sale of such products upon said blocks and portions of blocks of land by or for the account of the producers thereof only, under such regulations as may be prescribed by the said board of harbor commissioners and as the public convenience may require.

Land set apart shall be convenient.

SEC. 2. The land so set apart for the free public market shall be as convenient as possible to that portion of the city

and county of San Francisco in which the principal wholesale trade in perishable products is now carried on, and must be adjacent and contiguous to such piers and docks as are accessible to all watercraft ordinarily employed in carrying such products upon the waters of San Francisco bay and the navigable waters contributing thereto, and vessels so loaded shall have the preference at all times at docking at such wharves and piers contiguous to said lands over other vessels not so loaded.

SEC. 3. Docking room at said piers shall be assigned without partiality to all vessels engaged in the transportation of said products, and the space assigned shall be sufficient to permit such vessels regularly running upon a route to receive and discharge their entire cargoes of such products at the piers aforesaid, if they so desire, subject to the control and direction of the board of state harbor commissioners. And the said board of state harbor commissioners shall construct car tracks to connect the said docks and piers with the land so set apart for the free public market and with the belt railroad. For the use of these tracks the state harbor commissioners shall prescribe such regulations as public convenience may require, and fix the compensation to be paid by the companies making use of them for this purpose.

Assign-  
ment of  
docking  
room.

SEC. 4. The harbor commissioners shall suitably inclose said free market and construct suitable tramways and tracks or other devices for the rapid conveyance of perishable products from car or boat or other conveyance to the stalls in the free market, and operate the same.

Tramways.

SEC. 5. The harbor commissioners shall assign space within the free market to all producers of perishable products, under such regulations as the harbor commissioners may prescribe. No rental shall be charged for space in the free market. Any violation of this act, or of the regulations made pursuant thereof, shall exclude the person or firm guilty of such violation from the privilege of selling in the free market, during the pleasure of the harbor commissioners, not exceeding one year, in addition to any other penalty which may be incurred thereby.

No rental  
for space.

Penalty for  
violation  
of act.

SEC. 6. For the payment of the expenses of said free market the said board of state harbor commissioners may, in their judgment, so adjust tolls upon the said perishable products as shall be delivered into said free market as to provide the necessary revenue; *provided, however*, that no one shall be compelled to enter into said free public market, and no tolls for the purpose of paying the expenses of said free market shall be levied, assessed, or inflicted upon any products not entering into said free public market; *and provided further*, that the total of such tolls so levied shall not exceed the total expense of maintaining such free market.

Expenses,  
how pro-  
vided for.

SEC. 7. The officers of said free market shall be a superintendent and assistant superintendent, who shall also be secretary, and such other employés as the state board of harbor commissioners may appoint. The salary of all employés of said free market shall be fixed by the state board of harbor

Officers  
of free  
market.

commissioners, and be paid out of the general fund of said harbor commission the same as other employés.

Bonds of officers.

SEC. 8. All officers and employés of any public market on state property are officers and employés of the state, and shall qualify in the same manner as other employés, and give such bonds as the harbor commissioners may prescribe.

Moneys to carry act into effect.

SEC. 9. There is hereby appropriated out of the San Francisco harbor improvement fund the necessary moneys to enable the harbor commissioners to carry this act into effect, and this appropriation shall have precedence of all other claims on such fund for improvements.

## CHAPTER LXIX.

*An act to select and adopt the "golden poppy" as the state flower of California.*

[Approved March 2, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State flower.

SECTION 1. The golden poppy (*Eschscholtzia*) is hereby selected, designated, and adopted as the state flower of the State of California.

SEC. 2. This act shall be in force and effect from and after its passage.

## CHAPTER LXX.

*An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, by amending section 2955 thereof, relating to mortgages upon personal property.*

[Approved March 3, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-nine hundred and fifty-five of an act entitled "An act to establish a Civil Code," approved March twenty-first, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

Personal property that may be mortgaged.

2955. Mortgages may be made upon the following personal property, and none other:

First—Locomotives, engines, and other rolling stock of a railroad.

Second—Steamboat machinery, the machinery used by machinists, foundrymen, and mechanics.

Third—Steam engines and boilers.



Fourth—Mining machinery.

Fifth—Printing presses and material.

Sixth—Professional libraries.

Seventh—Instruments of surveyors, physicians, and dentists.

Eighth—Upholstery, furniture and household goods.

Ninth—Oil paintings, pictures and works of art.

Tenth—All growing crops, including grapes and fruit.

Eleventh—Vessels of more than five tons burden.

Twelfth—Instruments, negatives, furniture and fixtures of a photograph gallery.

Thirteenth—The machinery, casks, pipes, tubes and utensils used in the manufacture or storage of wine, fruit brandy, fruit syrups or sugar; also wines, fruit brandy, fruit syrup, or sugar, with the cooperage in which the same are contained.

Fourteenth—Pianos and organs.

Fifteenth—Iron and steel safes.

Sixteenth—Cattle, horses, mules, swine, sheep, and goats, and the increase thereof.

Seventeenth—Harvesters, threshing outfits, hay presses, wagons, farming implements, and the equipments of a livery stable, including buggies, carriages, harness, robes.

Eighteenth—Abstract systems, books, maps, papers, and slips of searchers of records.

Nineteenth—Raisins and dried fruits, cured or in process of being cured. Also all boxes, fruit graders, drying trays and fruit ladders.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXI.

*An act to amend the Political Code by amending section twenty-six hundred and ninety-six thereof, and by adding a new section thereto, to be numbered section twenty-six hundred and forty-three a, relating to roads and highways.*

[Approved March 3, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-six hundred and ninety-six of the Political Code is hereby amended to read as follows:

2696. Whenever it shall become necessary to acquire land in order to raise the banks along any stream or remove obstructions therefrom, or widen, change, deepen or straighten their channels for the purpose of protecting any public road or highway, or to construct flumes, ditches or canals, or make other improvements for the purpose of carrying off storm-waters or floods to a place of safety, the board must, by order, direct proceedings to procure land necessary for such purpose to be instituted by the district attorney of the county, in the name

Personal property that may be mortgaged.

Proceedings to procure land to protect roads along streams.

of the county, under and as provided in title seven of part three of the Code of Civil Procedure.

SEC. 2. A new section is hereby added to the Political Code, to be numbered section twenty-six hundred and forty-three *a*, so as to read as follows:

Super-  
visors may  
adopt plan  
of protec-  
tion from  
floods;  
special  
tax, how  
levied.

2643*a*. Whenever any public road or highway is in danger of being damaged by storm-waters or floods on the same, the board of supervisors shall adopt such measures as may be necessary to prevent such damage, and may, by ordinance, establish a district, adopt a general plan of protection from storm-waters and floods therein, and may cause a part or all of the road taxes collected in such district to be apportioned to a fund and expended for such purpose, and they may also apportion to such fund and expend for such purpose an amount not exceeding ten per centum of the general road fund of the county, or they may at the time of levying taxes for general county purposes levy a special tax for such purpose, not exceeding fifty cents on each one hundred dollars of the taxable property in the district as shown by the last assessment roll, but no such special tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of the district and received a majority of all the legal votes cast on said proposition.

## CHAPTER LXXII.

*An act to amend section 3196 of the Political Code, relating to the definition of trademarks.*

[Approved March 3, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand one hundred and ninety-six of the Political Code is amended so as to read as follows:

"Trade-  
mark"  
defined.

3196. The phrase "trademark" as used in this chapter includes every description of word, letter, device, emblem, stamp, imprint, brand, printed ticket, label, or wrapper usually affixed by any mechanic, manufacturer, druggist, merchant, or tradesman, to denote any goods to be goods imported, manufactured, produced, compounded or sold by him, other than any name, word, or expression generally denoting any goods to be of some particular class or description, and also any name or names, marks or devices, branded, stamped, engraved, etched, blown, or otherwise attached or produced upon any cask, keg, bottle, vessel, siphon, can, case, or other package, used by any mechanic, manufacturer, druggist, merchant or tradesman, to hold, contain or inclose the goods so imported, manufactured, produced, compounded or sold by him, other

than any name, word or expression generally denoting any goods to be of some particular class or description.

SEC. 2. This act shall take effect immediately.

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CHAPTER LXXIII.

*An act to amend section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.*

[Approved March 3, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and thirty-six of the Penal Code is amended so as to read as follows:

1536. When the property is delivered to the magistrate, he must, if it was stolen or embezzled, or if it was taken on a warrant issued on the grounds stated in the fourth subdivision of section fifteen hundred and twenty-four of this code, dispose of it as provided in sections fourteen hundred and eight and fourteen hundred and thirteen, inclusive. If it was taken on a warrant issued on the grounds stated in the second and third subdivisions of section fifteen hundred and twenty-four, he must retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property taken is triable.

Disposition of property taken on a search warrant.

SEC. 2. This act shall take effect immediately.

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CHAPTER LXXIV.

*An act to amend sections twenty-two hundred and ninety-three, twenty-two hundred and ninety-five, and twenty-two hundred and ninety-eight of the Political Code, relating to the state library.*

[Approved March 3, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-two hundred and ninety-three of the Political Code is hereby amended to read as follows:

2293. The powers and duties of the board are as follows:

1. To make rules and regulations, not inconsistent with law, for its government and for the government of the library;
2. To appoint a librarian, who must designate one of his deputies as chief deputy;

General powers and duties of state library trustees.

3. Whenever necessary, to authorize the librarian to appoint an additional deputy and other assistants;

4. To sell or exchange duplicate copies of books;

5. To keep in order and repair the books and property in the library;

6. To draw from the state treasury, at any time, all moneys therein belonging to the library fund;

7. To prescribe rules and regulations permitting persons other than those named in section twenty-two hundred and ninety-six, to have the use of books from the library;

8. To collect and preserve statistics and other information pertaining to libraries, which shall be available to other public libraries within the state applying for the same;

9. To make to the governor, biennially, a report of its transactions.

SEC. 2. Section twenty-two hundred and ninety-five of said code is hereby amended to read as follows:

2295. It is the duty of the librarian:

1. To be in attendance at the library during office hours.

2. To act as secretary of the board of trustees, and keep a record of their proceedings.

3. To purchase books, maps, engravings, paintings and furniture for the library.

4. To number and stamp all books and maps belonging to the library, and to keep a catalogue thereof.

5. To have bound all books and papers that require binding.

6. To keep a register of all books and property added to the library, and of the cost thereof.

7. To keep a register of all books taken from the library.

8. To distribute to the State University, to the Leland Stanford Jr. University, to each incorporated college in the state, to each public library therein, and to such other literary and scientific institutions therein as his judgment may dictate, one copy each of all official state publications, including the laws, journals and appendices of the legislature, and to establish and maintain with similar public institutions of the general government, the other states, and foreign countries, a system of exchange of such state publications for like official publications and other valuable works. The state librarian is empowered to make requisition upon the secretary of state for a sufficient number of such state publications, to enable him to carry out the requirements of this subdivision.

SEC. 3. Section twenty-two hundred and ninety-eight of said code is hereby amended to read as follows:

2298. The controller, when notified by the state librarian that any officer or employé of the state for whom he draws a warrant for salary has failed to return any book taken by him (or for which he has given an order) within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value thereof, must, after first informing said officer or employé of such notice, upon failure by him to return the said book, deduct from the warrant for the salary of said officer or employé, twice the

General  
duties of  
state  
librarian.

Distribute  
state publi-  
cations.

Controller  
must with-  
hold salary  
warrants  
for failure  
to return  
books.

value of such book, and place the amount so deducted in the state library fund. In case of the neglect or refusal on the part of any officer or employé of the state to return a book for which he has given an order or a receipt or has in his possession, the state librarian is authorized to purchase for the library a duplicate of said book, and to notify the controller of such purchase, together with the cost of the same. Upon the receipt of such notice from the librarian, the controller must deduct twice the cost of said duplicate book from the warrant for the salary of said officer or employé, and place the amount so deducted in the state library fund. The state librarian is empowered to bring suit in his official capacity for the recovery of any book or books, or for three times the value thereof, together with costs of suit, against any person having the same in his possession or being responsible therefor. In case the librarian has purchased a duplicate of any book as provided in this chapter, he is authorized to bring suit as aforesaid for three times the amount so expended for said duplicate, together with costs of suit.

Librarian  
may sue for  
recovery  
of books.

#### CHAPTER LXXV.

*An act to amend an act entitled an act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891) by adding thereto a new section after section 4 thereof relating to deposits, to be numbered as section 5 of said act, by renumbering section 5 of said act as section 6 thereof, and amending the same relating to assignments, and by renumbering section 6 of said act as section 7 thereof.*

[Approved March 5, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is added to the above entitled act immediately after section 4 thereof, to be numbered section 5 thereof, and to read as follows:

Section 5. The requiring, taking or accepting of any deposit for any purpose, upon any bottle, box, siphon, or keg shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

Deposit  
not to be  
deemed a  
sale

SEC. 2. Section 5 of said act is hereby renumbered section 6 thereof, and is amended to read as follows:

Section 6. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned in section 1 of this act, a description of the name or names, marks, or devices, upon his, her, their, or its property therein mentioned, and has caused the same to be published according to the laws existing at the time of such filing and publication

Re-filing of  
marks  
heretofore  
filed not  
required.

Sale of  
right to use  
marks.

shall not be required to again file and publish such description to be entitled to the benefits of this act; and any person or persons, corporation or corporations, having complied with the provisions of this act may as a part of the sale, assignment or transfer of all his, her, their or its said bottles, boxes, siphons, or kegs, used as aforesaid, with his, her, their or its name or names or other marks or devices, branded, stamped, engraved, etched, and blown, impressed or otherwise produced upon such bottles, boxes, siphons and kegs, to any other person or persons, corporation or corporations, engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, sell, assign, and transfer the sole and exclusive right of using said name or names, marks and devices in said business. And in the event of such sale, transfer or assignment as aforesaid, or in the event of the transfer by operation of law or by sale under order of any court of the entire business of such person or persons, corporation or corporations, or of the entire stock of bottles, boxes, siphons or kegs belonging to them, him, her or it, to any person or persons, corporation or corporations, engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk cream, small beer, lager beer, weiss beer, white beer or other beverages, such person or persons, corporation or corporations, shall not be again required to file and publish a description of said name or names, marks or devices, hereunder, but shall be entitled to all the benefits of this act immediately upon acquiring such bottles, boxes, siphons or kegs or such business as aforesaid.

Sec. 3. Section 6 of said act is renumbered section 7 thereof, and as renumbered shall read as follows:

Acts  
repealed.

Section 7. All acts and parts of acts, inconsistent herewith are for the purpose of this act hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXVI.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section 1183 thereof, relating to liens of mechanics and others upon real property.*

[Approved March 5, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and eighty-three of an act entitled, "An act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

1183. Mechanics, materialmen, contractors, subcontractors, artisans, architects, machinists, builders, miners, and all persons and laborers of every class performing labor upon or furnishing materials to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, whether at the instance of the owner, or of any other person acting by his authority or under him, as contractor or otherwise; and any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process, has a lien upon the same, and the works owned and used by the owners for reducing the ores from such mining claim or claims, or real property so worked as a mine, for the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine or of the building, or other improvement, or his agent; and every contractor, subcontractor, architect, builder, or other person having charge of any mining, or work and labor performed in and about such mining claim or claims, or real property worked as a mine, or the construction, alteration, addition to, or repair, either in whole or in part of any building or other improvement as aforesaid, or of such mining claim or claims, either as lessee or under a working bond or contract thereon, with the privilege of purchase, or otherwise, shall be held to be the agent of the owner for the purposes of this chapter. In case of a contract for the work between the reputed owner and his contractor, the lien shall extend to the entire contract price, and such contract shall operate as a lien in favor of all persons, except the contractor, to the extent of the whole contract price, and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor. All such contracts shall be in writing when the amount agreed to be paid thereunder exceeds one thousand dollars, and shall be subscribed by the parties thereto; and the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, and the amounts of all partial payments, together with the times when such payments shall be due and payable, shall, before the work is commenced, be filed in the office of the county recorder of the county, or city and county, where the property is situated, who shall receive one dollar for such filing; otherwise, they shall be wholly void, and no recovery shall be had thereon by either party thereto; and in such case, the labor done and materials furnished by all persons aforesaid, except the contractor, shall be deemed to have been done and fur-

Mechanics'  
Liens.

Contracts  
shall be in  
writing,  
and filed.

nished at the personal instance of the owner, and they shall have a lien for the value thereof.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXVII.

*An act to amend section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this state.*

[Approved March 5, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen hundred and sixty-two of the Political Code is hereby amended to read as follows:

Admission  
of children  
to public  
schools.

1662. Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district, and the board of school trustees, or city board of education, have power to admit adults and children not residing in the district, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school; *provided*, that in cities and towns in which the kindergarten has been adopted or may hereafter be adopted as part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years; *and provided further*, that in cities or school districts in which separate classes have been or may hereafter be established, for the instruction of the deaf, children may be admitted to such classes at the age of three years.

Separate  
schools.

Kinder-  
garten.

Deaf  
children.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect immediately.



## CHAPTER LXXVIII.

*An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered section 580, relating to banking incorporations.*

[Approved March 5, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered section 580 and to read as follows:

580. No savings bank, or bank, or banking corporation, shall be incorporated in this state and conduct such banking business in a city or town of five thousand inhabitants or under with a capital stock of less than twenty-five thousand dollars, or in a city or town of over five thousand and not exceeding ten thousand inhabitants with a capital stock of less than fifty thousand dollars, or in a city or town of over ten thousand and not exceeding twenty-five thousand inhabitants with a capital stock of less than one hundred thousand dollars, or in a city or town of over twenty-five thousand inhabitants with a capital stock of less than two hundred thousand dollars. Before the secretary of state issues to any corporation that proposes to do a banking business his certificate of the filing of the articles of incorporation, there must be filed in his office the affidavit of the persons named in said articles as the first directors of the corporation, that all the capital stock has been actually and in good faith subscribed, and at least fifty per centum thereof paid, in lawful money of the United States, to a person in such affidavit named, for the benefit of the corporation. The remainder of the capital stock must be paid in within two years after said banking corporation receives its certificate of incorporation, and if not so paid said banking corporation shall not be authorized to do business; *provided, however,* that the provisions of this section shall not apply to corporations now in existence.

Banks,  
amount of  
capital  
stock  
required.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXIX.

*An act to amend section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers or warehousemen.*

[Approved March 6, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3153 of the Political Code is hereby amended so as to read as follows:

Sale of  
unclaimed  
property.

3153. If no person calls for the property within sixty days from the receipt thereof, and pays freight and charges thereon, the carrier, commission merchant, innkeeper, or warehouseman may sell such property, or so much thereof as will pay freight and charges, to the highest bidder at public auction, having first caused such notice of sale to be given as is customary in sales of goods by auction at the place where said goods may be held or stored. If any surplus is left, after paying freight, storage, expenses of sale, and other reasonable charges, the same must be paid over to the owner of such property, upon demand being made therefor at any time within sixty days after the sale.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXX.

*An act to amend an act entitled "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18th, 1885, relating to sewers.*

[Approved March 6, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 35 of an act entitled an act to provide work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, approved March 18th, 1885, is hereby amended so as to read as follows:

Super-  
vision of  
street  
improve-  
ments.

Section 35. The superintendent of streets in all cities having a population of fifty thousand or over shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this act, and of piling and capping, sidewalks, or of the

paving of whatever character heretofore mentioned, in whole or in part, of one block or more, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined by this act.

Compensation.

SEC. 2. This act shall take effect immediately from and after its passage.

### CHAPTER LXXXI.

*An act providing for the relief of J. H. Sawtell, directing the board of trustees of the city of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of one thousand one hundred and thirty (\$1,130.00) dollars, and interest thereon, and to audit the demand therefor; and directing the president of the said board of trustees of said city to issue his warrant for said sum of money, and the city clerk of said city to countersign said warrant; and the treasurer of said city to pay said warrant.*

[Approved March 6, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of trustees of the city of Chico is hereby authorized and directed to order paid to J. H. Sawtell, or his assigns or legal representatives, the sum of one thousand one hundred and thirty dollars, together with the interest thereon at the rate of seven per centum per annum, from the 7th day of January, nineteen hundred and two, in repayment to him for said sum of money paid by said J. H. Sawtell at said date into the school fund of the Chico school district in refunding to said school district money previously paid out of said school fund upon the orders of said board of trustees while holding the office of treasurer of the said city of Chico.

Relief of J. H. Sawtell.

SEC. 2. The board of trustees of said city of Chico is authorized and directed to audit and order paid the demand for said sum of money, and said interest thereon, named in section one; and the president of the said board of trustees of said city of Chico is hereby directed to sign and issue his warrant in payment of said demand to said J. H. Sawtell, his assigns or legal representatives; and the city clerk of said city is hereby directed to countersign said warrant; and the treasurer of said city is hereby directed to pay said demand and warrant for said sum of money, upon presentation therefor.

SEC. 3. This act shall take effect immediately.

## CHAPTER LXXXII.

*An act to amend an act entitled, "An act providing for the sale of street railroad and other franchises in municipalities and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," which act became a law under the provisions of the constitution, without the governor's approval, March 11, 1901.*

[Approved March 6, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of an act entitled, "An act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts," which act became a law under the provisions of the constitution, without the governor's approval, March 11, 1901, is hereby amended so as to read as follows:

Applica-  
tion for  
franchise.

Section 2. An applicant for any franchise or privilege above mentioned shall file with the governing or legislative body of the municipality an application, and thereupon said governing body shall, in its discretion, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the city and county, city or town wherein the said franchise or privilege is to be exercised. Said advertisement must state that bids will be received for such franchise, and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days, if it be a daily newspaper, and if there be no daily newspaper published in such city and county, city or town, then it shall be published in a weekly newspaper once a week for four successive weeks, and in either case the full publication must be completed not less than twenty nor more than thirty days before any further action can be taken thereon.

Contents  
of adver-  
tisement.

SEC. 2. Section five of said act is hereby amended so as to read as follows:

Franchise  
to be sold  
to highest  
bidder.

Section 5. Said advertisement shall also contain a statement that the said franchise will be struck off, sold, and awarded to the person, firm or corporation who shall make the highest cash bid therefor; *provided, only*, that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege a sum not less than ten per cent above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said governing body to the highest bidder therefor in gold coin of the United States.

Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of such municipality, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith, and the successful bidder shall deposit, at least, ten per cent of the amount of his bid with the clerk of such municipality before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case, his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit, as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of, at least, ten per cent of the amount of his bid therefor, as herein provided. Said successful bidder shall deposit with the clerk of such municipality, within twenty-four hours after the acceptance of his bid, the remaining ninety per cent of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said governing body, be again offered for sale to the highest bidder therefor, in the same manner, and under the same restriction as hereinbefore provided, and in case said bidder shall fail to deposit with the clerk of such municipality, the remaining ninety per cent of his bid, within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit theretofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale, in the manner hereinbefore provided.

Full amount of bid to be deposited.

SEC. 3. Section seven of said act is hereby amended so as to read as follows:

Section 7. The successful bidder for any franchise or privilege struck off, sold, and awarded under this act shall file a bond running to said city and county, or city or town, with, at least, two good and sufficient sureties, to be approved by such governing body, in a penal sum by it to be prescribed, and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill, and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with such governing body within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said governing or legislative body, be granted by ordinance to the person, firm, or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed, the award of such franchise shall be set aside, and any money paid therefor shall be for-

Bond for fulfillment of conditions of franchise.

feited, and said franchise shall, in the discretion of said governing or legislative body, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

SEC. 4. This act shall take effect immediately.

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#### CHAPTER LXXXIII.

*An act directing the Sutter's fort trustees to make the necessary repairs and improvements to preserve the monument of James W. Marshall at Coloma, to pipe water on the grounds and to improve the grounds surrounding the same and making an appropriation therefor.*

[Approved March 6, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to preserve the Marshall monument.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand five hundred dollars, for the purpose of preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where the same is located, and improving said grounds.

SEC. 2. The board of Sutter's fort trustees is hereby authorized and directed to make the necessary repairs and improvements for the preservation of said monument, and the controller of state is directed to draw his warrant for the amount herein, made payable in favor of said board of Sutter's fort trustees.

SEC. 3. This act shall take effect and be in force from and after its passage.

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#### CHAPTER LXXXIV.

*An act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.*

[Approved March 6, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for legislative printing.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as may be necessary, for the support of the state printing office, the same to be used to pay the expenses of legislative printing for the thirty-fifth session.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXXV.

*An act to amend section three hundred and ninety-seven of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and ninety-seven of the Penal Code is hereby amended so as to read as follows:

397. Every person who sells or furnishes or causes to be sold or furnished, intoxicating liquors to any habitual or common drunkard or to any Indian is guilty of a misdemeanor. Sale of liquor to drunkards and Indians.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXXVI.

*An act to amend section eight hundred and sixty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred and sixty-two of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, is hereby amended so as to read as follows:

Section 862. The board of trustees of said city shall have power: Powers of city trustees.

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States. Ordinances.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city or town; *provided*, they shall not have power to sell or convey any portion of any water front. Real estate.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein. Water.

4. To establish, build, and repair bridges; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, squares, and other public highways and places within Highways.

the city or town, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

- Sewers. 5. To construct, establish, and maintain drains and sewers.
- Fire apparatus. 6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.
- Poll tax. 7. To impose on and collect from every male inhabitant, between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city.
- Dog tax. 8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city.
- Property tax. 9. To levy and collect annually a property tax, which shall not exceed seventy-five cents on each one hundred dollars.
- Licenses. 10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.
- Improvement of water front, etc. 11. To improve the rivers and streams flowing through such city or adjoining the same; to widen, straighten, and deepen the channels thereof, and remove obstructions therefrom; to improve the water front of the city; to construct and maintain embankments and other works, to protect such city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or contiguous thereto, wharves, chutes, piers, breakwaters, bath-houses, and life-saving stations.
- Buildings. 12. To erect and maintain buildings for municipal purposes.
- Public utilities. 13. To acquire, own, construct, maintain, and operate street railways, telephone and telegraph lines, gas and other works for light and heat; public libraries, museums, gymnasiums, parks, and baths, and to permit under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.
- Fines and penalties. 14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance; to fix the penalty by fine or imprisonment, or



both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city. Labor of prisoners.

16. To establish and maintain fire limits, and to regulate building and construction within the municipality. Fire limits.

17. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act. Other acts.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXXVII.

*An act to amend section 1636 of the Political Code, relating to the report of census marshal.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixteen hundred and thirty-six of the Political Code is hereby amended to read as follows:

1636. His report must be made under oath, upon blanks furnished by the superintendent of public instruction, and must show: Report of census marshal.

First—The number, age, sex, color, name and nationality of the children listed, and the number of those who from deafness are unable to hear common conversation.

Second—The names of the parents or guardians of said children, arranged alphabetically, except in cities of the first class. In all cities the number and street of residence must be given.

Third—The number of school children in each house, or family, that have not been vaccinated.

Fourth—Such other facts as the superintendent of public instruction may designate.

Fifth—The census marshal shall have power to administer oaths to parents and guardians.

Sixth—If at any time the superintendent of schools has reason to believe that a correct census of the district has not been taken, he must have it corrected, and if necessary for the purpose he may appoint a census marshal, and have the census of the district retaken. Should the board of education or the board of school trustees of said city or district fail or refuse to issue an order for the compensation of said marshal for his services, the superintendent of schools is hereby authorized to issue his requisition therefor against the county fund of such city or district without such order.

SEC. 2. This act shall take effect immediately.

## CHAPTER LXXXVIII.

*An act to add a new section to the Political Code, to be known as section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known as sixteen hundred and eighteen, to read as follows:

Oral teaching for deaf children.

1618. The board of education of every city or city and county, or board of school trustees of every school district in this state, containing five or more deaf children, or children who from deafness are unable to hear common conversation, between the ages of three and twenty-one years, may in their discretion establish and maintain separate classes in the primary and grammar grades of the public schools, wherein such pupils shall be taught by the pure oral system for teaching the deaf.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXXIX.

*An act to amend section six hundred and forty-seven of the Penal Code of the State of California, relating to who are vagrants.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and forty-seven of the Penal Code of the State of California is hereby amended to read as follows:

Vagrants—  
who are.

647. 1. Every person (except a California Indian) without visible means of living who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or

2. Every healthy beggar who solicits alms as a business; or

3. Every person who roams about from place to place without any lawful business; or

4. Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession, or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution,

brokers office, place of amusement, auction room, store, shop, or crowded thoroughfare, car, or omnibus, or at any public gathering or assembly; or

5. Every idle, or lewd, or dissolute person, or associate of known thieves; or

6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or

7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or

8. Every person who lives in and about houses of ill-fame; or

9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or

10. Every common prostitute; or

11. Every common drunkard, is a vagrant, and is punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Penalty

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER XC.

*An act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, adjutant-general's office, for the fifty-third fiscal year.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for postage, expressage, and telegraphing, adjutant-general's office, for the fifty-third fiscal year. Appropriation to pay deficiency in adjutant-general's office.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same

SEC. 3. This act shall take effect immediately.

## CHAPTER XCI.

*An act to amend an act entitled, "An act to establish a Code of Civil Procedure," by adding nine new sections thereto, to be numbered sections 676, 677, 677½, 678, 678½, 679, 679½, 680, 680½, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay or defraud creditors, so that after said undertaking is given, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledger of such property will take, own and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment, in said action, upon the said undertaking.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered as section six hundred and seventy-six:

Under-  
taking in  
actions to  
set aside  
transfer of  
property.

676. Where an action is commenced to set aside a transfer or conveyance of property on the grounds that such transfer or conveyance was made to hinder, delay or defraud a creditor or creditors, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors or the successors or assigns of such transferee or grantee, may give an undertaking as herein provided, and when such undertaking is given as herein provided, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successors and assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge or otherwise dispose of the property, or any part thereof, which is alleged to have been transferred or conveyed to hinder, delay or defraud creditors, so that the purchaser, incumbrancer, transferee, mortgagee, grantee or pledgee of such property, will take, own, hold and possess such property unaffected by such action and suit, or the judgment which may be rendered therein.

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-seven:

677. Such undertaking with two sureties shall be executed by the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successor or assign of such transferee or grantee, in double the estimated value of the property so alleged to have been transferred or conveyed; *provided*, in no case need such undertaking be for a greater sum than double the amount of the debt or liability alleged to be due and owing to the plaintiff in such action, commenced to set aside said transfer and conveyance; and where such estimated value of the property alleged so to have been conveyed is less than the sum alleged to be due and owing to the plaintiff in the action, such estimated value shall be stated in the undertaking, and said undertaking shall be conditioned that, if it be adjudged in said action that the transfer or conveyance was made to hinder, delay or defraud a creditor or creditors, then that the transferee or grantee or the said successor or assigns of such transferee or grantee giving such undertaking, will pay to the plaintiff in said action a sum equal to the value, as the same is estimated in said undertaking, of said property alleged to have been transferred or conveyed to hinder, delay or defraud creditors, not exceeding the sum alleged to be due and owing to the plaintiff in the action.

Conditions  
of under-  
taking

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-seven and one half:

677½. Said undertaking shall be filed in the action in which said execution issued and a copy thereof served upon the plaintiff or his attorney in said action.

Filing and  
serving.

SEC. 4. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-eight:

678. Within ten days after service of the copy of undertaking the plaintiff may object to such undertaking on the ground of inability of the sureties, or either of them, to pay the sum for which they become bound in said undertaking, and upon the ground that the estimated value of the property therein is less than the market value of such property. Such objection to the undertaking shall be made in writing, specifying the ground or grounds of objection, and if the objection is made to the undertaking that the estimated value therein is less than the market value of the property, such objection shall specify the plaintiff's estimate of the market value of the property. Such written objection shall be served upon the said transferee or grantee, or the successor or assigns of such transferee or grantee giving such undertaking.

Exceptions  
to sureties.

SEC. 5. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-eight and one half:

678½. When the sureties or either of them, are objected to, the surety or sureties so objected to shall justify before the court in which the action is commenced, upon ten days' notice

Justifica-  
tion of  
sureties.

of the time when they will so justify being given to the plaintiff, or plaintiff's attorney. Upon the hearing and examination into the sufficiency of a surety, witness may be required to attend and evidence may be procured and introduced in the same manner as in trial of civil cases. Upon such hearing and examination the court shall make its order, in writing, approving or disapproving the sufficiency of the sureties or surety on such undertaking. In case the court disapproves of the surety or sureties on any undertaking, a new undertaking may be filed and served, and to any undertaking given under the provisions of this act the same objection to the sureties may be made and the same proceedings had as in case of the first undertaking filed and served.

SEC. 6. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-nine:

New undertaking.

679. When objection is made to the undertaking upon the ground that the estimated value of the property, as stated in the undertaking, is less than the market value of the property, the transferee or grantee, or the successor or assigns of such transferee or grantee giving the undertaking may accept the estimated value stated by the plaintiff in said objection, and a new undertaking may at once be filed, with the plaintiff's estimate stated therein as the estimated value, and no objection shall thereafter be made upon that ground; if the plaintiff's estimate of the market value is not accepted, the transferee or grantee, or the successor or assigns of the grantee or transferee giving such undertaking, upon ten days' notice to the plaintiff, shall move the court in which the action is pending to estimate the market value of the property, and upon the hearing of such motion, witnesses may be required to attend and testify, and evidence may be produced in the same manner as in the trial of civil actions. Upon the hearing of the motion the court shall estimate the market value of the property, and if the estimated value of the property as made by the court exceeds the estimated value as stated in the undertaking, a new undertaking shall be filed and served with the market value determined by the stated value therein as the estimated value of the property.

SEC. 7. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-nine and one half:

Justification of sureties

679½. The sureties shall justify upon the undertaking as required by section one thousand and fifty-seven of the Code of Civil Procedure.

SEC. 8. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and eighty:

When undertaking becomes effective.

680. The undertaking shall become effective for the purpose stated in section one of this act, ten days after service of copy thereof on the plaintiff, unless objection to such undertaking is made as in this act provided, and in case objection is so made to the undertaking filed and served, the same shall become effective for such purpose when an order is made by such court approving the sureties, when the surety or sureties are objected to, or affirming the estimate of the value of property when

objection is made thereto, or in case any objection to the undertaking is sustained by the court when a new undertaking is filed and served as required by this act, to which no objection is made, or if made is not sustained by the court.

SEC. 9. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and eighty and one half:

680½. If judgment be rendered in said action that the alleged transfer or conveyance was made to hinder, delay or defraud creditors, then judgment shall be rendered in such action without further proceeding in favor of plaintiff and against the principal and sureties on said undertaking for the sum for which said undertaking was executed according to the conditions thereof.

Judgment  
against  
sureties.

SEC. 10. This act shall take effect from and after its passage.

## CHAPTER XCII.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure," by adding eight sections thereto, to be numbered 710, 710½, 711, 711½, 712, 712½, 713 and 713½, relating to giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and ten, and to read as follows:

710. Where property levied upon under execution to satisfy a judgment for the payment of money is claimed, in whole or in part, by a person, corporation, partnership or association, other than the judgment debtor, such claimant may give an undertaking as herein provided, which undertaking shall release the property in the undertaking described from the lien and levy of such execution.

Release of  
property  
held under  
execution.

SEC. 2. A new section is hereby added to the Code of Civil

Procedure, to be numbered section seven hundred and ten and one half, and to read as follows:

Undertaking by party claiming property.

710½. Such undertaking, with two sureties, shall be executed by the person, corporation, partnership or association, claiming in whole or in part, the property upon which execution is levied in double the estimated value of the property claimed by the person, corporation, partnership or association; *provided*, in no case need such undertaking be for a greater sum than double the amount for which the execution is levied; and where the estimated value of the property so claimed by the person, corporation, partnership or association is less than the sum for which such attachment is levied, such estimated value shall be stated in the undertaking, and said undertaking shall be conditioned that if the property claimed by the person, corporation, partnership or association is finally adjudged to be the property of the judgment debtor, said person, corporation, partnership or association will pay of said judgment upon which execution has issued a sum equal to the value, as estimated in said undertaking, of said property claimed by said person, corporation, partnership or association, and said property claimed shall be described in said undertaking.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and eleven, and to read as follows:

Service of copy of undertaking.

711. Said undertaking shall be filed in the action in which said execution issued, and a copy thereof served upon the judgment creditor or his attorney in said action.

SEC. 4. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and eleven and one half, and to read as follows:

Objections to sureties.

711½. Within ten days after the service of the copy of undertaking, the judgment creditor may object to such undertaking on the ground of inability of the sureties, or either of them, to pay the sum for which they become bound in said undertaking, and upon the ground that the estimated value of property therein is less than the market value of the property claimed. Such objection to the undertaking shall be made in writing, specifying the ground or grounds of objection, and if the objection is made to the undertaking that the estimated value therein is less than the market value of the property claimed. Such objection shall specify the judgment creditor's estimate of the market value of the property claimed. Such written objection shall be served upon the person, partnership, corporation or association giving such undertaking and claiming the property therein described.

SEC. 5. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and twelve, and to read as follows:

Justification of sureties.

712. When the sureties, or either of them, are objected to, the surety or sureties so objected to shall justify before the court out of which such execution issued, upon ten days' notice of the time when they will so justify being given to the judgment debtor or his attorney. Upon the hearing and exam-



ination into the sufficiency of a surety, witnesses may be required to attend and evidence may be procured and introduced in the same manner as in trial of civil cases. Upon such hearing and examination, the court shall make its order, in writing, approving or disapproving the sufficiency of the surety or sureties on such undertaking. In case the court disapproves of the surety or sureties on any undertaking, a new undertaking may be filed and served, and to any undertaking given under the provisions of this act the same objection to the sureties may be made, and the same proceedings had as in case of the first undertaking filed and served.

SEC. 6. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and twelve and one half, and to read as follows:

712½. When objection is made to the undertaking upon New un-  
dertaking. the ground that the estimated value of the property claimed, as stated in the undertaking, is less than the market value of the property claimed, the person, corporation, partnership or association may accept the estimated value stated by the judgment creditor in said objection, and a new undertaking may be at once filed with the judgment creditor's estimate stated therein as the estimated value, and no objection shall thereafter be made upon that ground; if the judgment creditor's estimate of the market value is not accepted, the person, corporation, partnership or association giving the undertaking shall move the court in which the execution issued, upon ten days' notice to the judgment creditor, to estimate the market value of the property claimed and described in the undertaking, and upon the hearing of such motion witnesses may be required to attend and testify, and evidence be produced in the same manner as in the trial of civil actions. Upon the hearing of such motion, the court shall estimate the market value of the property described in the undertaking, and if the estimated value made by the court exceeds the estimated value as stated in the undertaking, a new undertaking shall be filed and served, with the market value determined by the court stated therein as the estimated value.

SEC. 7. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and thirteen, and to read as follows:

713. The sureties shall justify on the undertaking as Requisites  
of under-  
takings. required by section one thousand and fifty-seven of the Code of Civil Procedure.

SEC. 8. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and thirteen and one half, and to read as follows:

713½. The undertaking shall become effective for the purpose herein specified ten days after service of copy thereof on the judgment debtor, unless objection to such undertaking is made as herein provided, and in case objection is made to the undertaking filed and served, then the undertaking shall become effective for such purposes when an undertaking is given as herein provided. When un-  
dertaking  
becomes  
effective.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act shall take effect from and after its passage.

### CHAPTER XCIII.

*An act amending sections seven hundred and forty-nine, seven hundred and fifty and seven hundred and fifty-one of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an act approved March 23rd, 1901.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and forty-nine of the Code of Civil Procedure of the State of California which was added to said code by an act approved March 23, 1901, is amended so as to read as follows:

Determin-  
ation of  
adverse  
claims to  
real prop-  
erty.

749. An action may be brought to determine the adverse claims to and clouds upon title to real property by a person who, by himself or by himself and his predecessors in interest, has been in the actual, exclusive and adverse possession of such property continuously for twenty years prior to the filing of the complaint, claiming to own the same in fee against the whole world, and who has paid all taxes of every kind levied or assessed against the property during the period of five years continuously next preceding the filing of the complaint. Said action shall be commenced by the filing of a verified complaint averring the matters above enumerated. The said complaint may include as defendants in such action, in addition to such persons as appear of record to have, all other persons who are known to the plaintiff to have, some claim or cloud on the lands described in the complaint adverse to plaintiff's ownership, or other persons unknown claiming any right, interest or lien in such lands, or cloud upon the title of plaintiff thereto, and the plaintiff may describe such unknown defendants in the complaint as follows: "also all other persons unknown, claiming any right, title, estate, lien or interest in the real property described in the complaint adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto." Within ten days after the filing of the complaint, plaintiff shall file, or cause to be filed, in the office of the county recorder of the county where the property is situated, a notice of the pendency of the action, containing the matters required by section four hundred and nine of this code.

Unknown  
defend-  
ants.

Lis pend-  
ens.

SEC. 2. Section seven hundred and fifty of the Code of

Civil Procedure of the State of California is amended so as to read as follows:

750. Within one year after the filing of the complaint, as required by the preceding section, a summons must be issued, which shall contain the matters required by section four hundred and seven of this code, and in addition a description of the property and a statement of the object of the action. In said summons the said unknown defendants shall be designated as in the complaint. Within thirty days after the issuance of the summons, the plaintiff shall post or cause to be posted a copy thereof in a conspicuous place on the property. All defendants residing in the State of California, whose place of residence is known to the plaintiff, shall be served personally. After service on all such defendants has been made, the plaintiff, or his agent, or attorney, shall make and file an affidavit wherein there shall be stated the names of the defendants who have been served personally, the names of the defendants who reside out of the state and their places of residence, if known to the plaintiff, and the names of the defendants residing in or out of the state whose place of residence is unknown to the plaintiff, and thereupon the court or a judge thereof shall make an order directing the said summons to be served upon the defendants residing out of the state, whose place of residence is known to the plaintiff and upon the defendants residing in or out of the state, whose place of residence is unknown to the plaintiff, and upon all the unknown defendants as stated in the complaint and summons, by publication in some newspaper of general circulation printed and published in the county where the property is situated, and if there be no such paper in such county, then in some adjoining county, to be designated by the court or judge thereof, which publication shall be for once a week for two successive months. A copy of the summons and complaint, within ten days after the making of said order, properly addressed and with the postage thereon fully prepaid, shall be mailed to each of the defendants who reside out of the state, at their place of residence, if known, and also to the defendants residing in or out of the state whose place of residence is unknown to plaintiff, addressed to them at the county seat of the county where the action is commenced. All such unknown persons so served shall have the same rights as are provided by law in cases of all other defendants named, upon whom service is made by publication, or personally, and the action shall proceed against such unknown persons in the same manner as against the defendants who are named upon whom service is made by publication or personally and with like effect; and any such unknown person who has or claims to have any right, title, estate, lien or interest in the said property, or cloud on the title thereto, adverse to plaintiff, at the time of the commencement of the action, who has been duly served as aforesaid, and any one claiming under him, shall be concluded by the judgment in such action as effectually as if the action was brought against the said person by his or her name and personal service of process was obtained, notwith-

Summons:  
service,  
and proof  
of service.

Publica-  
tion of  
summons.

standing any such unknown person may be under legal disability. Service shall be deemed complete upon the completion of the publication.

SEC. 3. Section seven hundred and fifty-one of the Code of Civil Procedure of the State of California is amended so as to read as follows:

Judgment  
must not  
be entered  
by default.

751. When the summons has been served as provided in the preceding section and the time for answering has expired, the court shall proceed to hear the case as in other cases and shall have jurisdiction to examine into and determine the legality of plaintiff's title and of the title and claim of all the defendants and of all unknown persons, and to that end must not enter any judgment by default, but must in all cases require evidence of plaintiff's title and possession and hear such evidence as may be offered respecting the claims and title of any of the defendants and must thereafter direct judgment to be entered in accordance with the evidence and the law. The court before proceeding to hear the case must require proof to be made that the summons has been served and posted as hereinbefore directed and that the required notice of pendency of action has been filed. The judgment after it has become final is conclusive against all the persons named in the summons and complaint who have been served and against all unknown persons as stated in the complaint and summons who have been served by publication, but shall not be conclusive against the State of California or the United States. Said judgment shall have the effect of a judgment in rem except as against the State of California and the United States; and *provided further*, that the said judgment shall not bind or be conclusive against any person claiming any estate, title, right, possession or lien to the property under the plaintiff or his predecessors in interest, which claim, lien, estate or right of possession has arisen or been created by the plaintiff or his predecessors in interest within twenty years prior to the filing of the complaint. The remedy provided in this and the two preceding sections shall be construed as cumulative and not exclusive of any other remedy, form or right of action or proceeding now allowed by law.

When  
entered is  
conclusive.

Remedy is  
cumulative.

Actions  
now pending.

SEC. 4. This act shall be in force and effect from and after its passage; *provided*, that this act shall not affect any action in court now pending.

## CHAPTER XCIV.

*An act to amend section 475 of an act entitled "An act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the attorney-general, fixing their salaries, and providing the manner of the payment of the same.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and seventy-five of the Political Code is hereby amended so as to read as follows:

475. The attorney-general may appoint three clerks and one phonographic reporter for his office. The annual salary of each of such clerks shall be sixteen hundred dollars, and the annual salary of the phonographic reporter shall be eighteen hundred dollars. Said salaries shall be paid at the same times, and in the same manner, as the salaries of other state officers are paid. Said clerks and said phonographic reporter shall be civil executive officers.

Clerks for  
attorney-  
general.

SEC. 2. This act shall take effect immediately.

## CHAPTER XCV.

*An act to amend section six hundred and sixty-six of the Penal Code of the State of California, relating to punishment for second offenses.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and sixty-six of the Penal Code of the State of California, is hereby amended so as to read as follows:

666. Every person who, having been convicted of petit larceny, or of any offense punishable by imprisonment in the state prison, commits any crime after such conviction, is punishable therefor as follows:

Second  
offense,  
after con-  
viction of  
prior  
offense.

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender would be punishable by imprisonment in the state prison for any term exceeding ten years, such person is punishable by imprisonment in the state prison not less than ten years.

2. If the subsequent offense is such that upon a first conviction, the offender would be punishable by imprisonment in the state prison for five years, or any less term, then the person

convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding ten years.

3. If the subsequent conviction is for petit larceny, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding five years.

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## CHAPTER XCVI.

*An act to repeal section six hundred and sixty-seven of the Penal Code of the State of California, in reference to punishment for second offenses.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Repeal of  
Section 667,  
Penal  
Code.

SECTION 1. Section six hundred and sixty-seven of the Penal Code of the State of California is hereby repealed.

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## CHAPTER XCVII.

*An act to amend section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and seven of the Civil Code of the State of California is hereby amended to read as follows:

Record  
imparts  
notice.

1207. Any instrument affecting real property, which was, previous to the first day of January, one thousand nine hundred and three, copied into the proper book of record, kept in the office of any county recorder, imparts, after that date, notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or incumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded; *provided*, when such copying in the proper book of

Certified  
copies as  
evidence.

record occurred within fifteen years prior to the trial of the action, it is first shown that the original instrument was genuine.

SEC. 2. This act shall take effect on and be in force from and after July first, nineteen hundred and three.

#### CHAPTER XCVIII.

*An act to amend sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain and staying proceedings on judgment therein.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1254 of the Code of Civil Procedure of the State of California, is amended to read as follows:

1254. At any time after trial and judgment entered or pending an appeal from the judgment to the supreme court, whenever the plaintiff shall have paid into court, for the defendant, the full amount of the judgment, and such further sum as may be required by the court as a fund to pay any further damages and costs that may be recovered in said proceeding, as well as all damages that may be sustained by the defendant, if, for any cause, the property shall not be finally taken for public use, the superior court in which the proceeding was tried may, upon notice of not less than ten days, authorize the plaintiff, if already in possession, to continue therein, and if not, then to take possession of and use the property during the pendency of and until the final conclusion of the litigation, and may, if necessary, stay all actions and proceedings against the plaintiff on account thereof. The defendant, who is entitled to the money paid into court for him upon any judgment, shall be entitled to demand and receive the same at any time thereafter upon obtaining an order therefor from the court. It shall be the duty of the court, or a judge thereof, upon application being made by such defendant, to order and direct that the money so paid into court for him be delivered to him upon his filing a satisfaction of the judgment, or upon his filing a receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial shall be granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation. In ascertaining the amount to be paid into court, the court shall take care that the same be sufficient and adequate. The payment of the money into court, as hereinbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and

Putting  
plaintiff  
in possession,  
pending conclusion  
of  
litigation.

County clerk liable for money deposited.

without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceedings), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by rule of court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted or withdrawn, through no fault of the defendant, the court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of court, as above provided, and until such time or times the county clerk shall be deemed to be the custodian of the money, and shall be liable to the plaintiff upon his official bond for the same, or any part thereof, in case it be for any reason lost or otherwise abstracted or withdrawn. The court may order the money to be deposited in the state treasury, and in such case it shall be the duty of the state treasurer to receive all such moneys, duly receipt for, and to safely keep the same in a special fund, to be entered on his books as a condemnation fund for such purpose, and for such duty he shall be liable to the plaintiff upon his official bond. The state treasurer shall pay out such money so deposited in such manner and at such times as the court or a judge thereof may, by order or decree, direct. In all cases where a new trial has been granted upon the application of the defendant, and he has failed upon such trial to obtain greater compensation than was allowed him upon the first trial, the costs of such new trial shall be taxed against him.

SEC. 2. Section 1257 of the Code of Civil Procedure is amended to read as follows:

New trials and appeals.

1257. The provisions of Part II of this code, relative to new trials and appeals, except in so far as they are inconsistent with the provisions of this title, apply to the proceedings mentioned in this title; *provided*, that upon the payment of the sum of money assessed, and upon the execution of the bond to build the fences and cattle-guards, as provided in section twelve hundred and fifty-one, the plaintiff shall be entitled to enter into, improve, and hold possession of the property sought to be condemned (if not already in possession) as provided in section twelve hundred and fifty-four, and devote the same to the public use in question; and no motion for new trial or appeal shall, after such payment and filing of such bond as aforesaid, in any manner retard the contemplated improvement. Any money which shall have been deposited, as provided in section twelve hundred and fifty-four, may be applied to the payment of the money assessed, and the remainder, if any there be, shall be returned to the plaintiff.

Improvements may continue.



## CHAPTER XCIX.

*An act to appropriate the sum of two hundred and fifty (250) dollars to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, secretary of state, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the state board of examiners.*

[Approved March 9, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two hundred and fifty (250) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, secretary of state, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the state board of examiners.

Appropriation to pay claim of Thomas D. Riordan.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of Thomas D. Riordan for the sum of two hundred and fifty (250) dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER C.

*An act to amend section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3440 of the Civil Code, State of California, is hereby amended to read as follows:

3440. Every transfer of personal property, other than a thing in action, or a ship or cargo at sea or in a foreign port, and every lien thereon, other than a mortgage, when allowed by law, and a contract of bottomry or respondentia, is conclusively presumed, if made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery, and followed by an actual and continued change

Transfers presumed fraudulent.

Excep-  
tions.

Public re-  
cordation  
required.

Sales at  
public  
auction.

Transfers  
under  
order of  
court.

of possession of the things transferred, to be fraudulent, and therefore void, against those who are his creditors while he remains in possession, and the successors in interest of such creditors, and against any persons on whom his estate devolves in trust for the benefit of others than himself, and against purchasers or incumbrancers in good faith subsequent to the transfer; *provided, however*, that the provisions of this section shall not apply to the transfers of wines in the wineries or wine cellars of the makers or owners thereof, or other persons having possession, care, and control of the same, and the pipes, casks, and tanks in which the said wines are contained, which transfers shall be made in writing, and certified and verified in the same form as provided for chattel mortgages and which shall be recorded in the book of miscellaneous records in the office of the county recorder of the county in which the same are situated; *provided, also*, that the sale, transfer, or assignment of a stock in trade (or of such a quantity of a stock in trade as to be substantially a whole) in bulk, or in any manner otherwise than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferrer, or assignor, will be conclusively presumed to be fraudulent and void as against the existing creditors of the vendor, transferrer, or assignor, unless at least five days before the consummation of such sale, transfer, or assignment the vendor, transferrer, or assignor, or the intended vendee, transferee, or assignee shall record in the office of the county recorder in the county or counties in which the said stock in trade is situated, a notice of said intended sale, transfer, or assignment, stating the name and address of the intended vendor, transferrer, or assignor, and the name and address of the intended vendee, transferee, or assignee, and a general statement of the character of the property or merchandise intended to be sold, assigned, or transferred, and the date when, and the place where, the purchase price, if any there be, is to be paid; *provided, nevertheless*, that if such intended sale is to be at public auction the notice above required to be recorded shall state that fact, the time, terms, and place of said sale, the names and addresses of the vendor and auctioneer, and a general statement of the character of the property or merchandise intended to be sold; but such sale shall in no event occur within five days of the date of recordation of said notice; *provided further*, that the provisions of this section shall not apply or extend to any sale, transfer or assignment made under the direction or order of a court of competent jurisdiction, or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment made for the benefit of creditors generally, nor to any sale, transfer or assignment of any property exempt from execution.

SEC. 2. This act shall take effect immediately.

## CHAPTER CI.

*An act to amend section eight of an act entitled "An act to provide for the establishment, maintenance and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau and to provide for the appointment, duties and compensation of a state mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the board of trustees of the state mining bureau" approved March 23, 1893, relating to the powers of the board of trustees of the state mining bureau.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight of an act entitled "An act to provide for the establishment, maintenance, and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau" approved March 23, 1893, relating to the powers of the board of trustees of the state mining bureau, is hereby amended to read as follows:

Amending  
Section 8 of  
Mining  
Bureau  
Act.

Section 8. The board of trustees of the state mining bureau shall biennially report to the governor of the state the condition of the bureau, with a statement of the receipts and disbursements in detail, and with said reports shall be incorporated the biennial report of the state mineralogist and the report of said board of trustees and state mineralogist shall be printed as are the reports of the other state officers. The board is hereby empowered to fix a price upon, and to dispose of to the public, at such price, any and all publications of the bureau, including reports, bulletins, maps, registers, etc. The sum derived from such disposition must be accounted for and used as a revolving printing and publishing fund for other reports, bulletins, maps, registers, etc. The prices fixed must approximate the actual cost of printing and issuing the respective reports, bulletins, maps, registers, etc., without reference to the cost of obtaining and preparing the information embraced therein.

Biennial  
report of  
trustees.

Publica-  
tions to be  
sold.

Revolving  
fund.

SEC. 2. This act takes effect and is in force from and after its passage.

## CHAPTER CII.

*An act to amend section two hundred and twenty-four of the Civil Code, relating to the adoption of children.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and twenty-four of the Civil Code is hereby amended to read as follows:

Adoption  
of chil-  
dren; con-  
sent neces-  
sary.

224. A legitimate child cannot be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or cruelty, and for either cause divorced, or adjudged to be habitually intemperate in the use of intoxicants, or who has been judicially deprived of the custody of the child on account of cruelty or neglect; neither is the consent of any one necessary in the case of any abandoned child; *provided, however*, that any such child, being a half orphan, and kept and maintained in any orphan asylum in this state for more than two years, may be adopted with the consent of the managers of such orphans' home without the consent of the parent unless such parent has paid toward the expenses of maintenance of such half orphan at least a reasonable sum during the said time, if able to do so. Any child deserted by both parents, or left in the care and custody of another by its parent or parents, without any agreement or provision for its support, for the period of one year, is deemed to be an abandoned child within the meaning of this section, and where the parent is a non-resident of this state such child may without the consent of either parent be adopted with the consent of the managers of such home whenever it has been left in such home for more than one year.

Orphans  
and aban-  
doned  
children.

SEC. 2. This act shall take effect immediately.

## CHAPTER CIII.

*An act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred and ninety of the Code of Civil Procedure is hereby amended so as to read as follows:

Property  
exempt  
from  
execution.

690. The following property is exempt from execution, except as herein otherwise specially provided:

1. Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor; Property exempt from execution.

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing machine, stove, stovepipes and furniture, wearing apparel, beds, bedding, and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their suckling calves, four hogs with their suckling pigs, and food for such cows and hogs for one month; also, one piano, one shotgun, and one rifle;

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also, two oxen, or two horses, or two mules, and their harness, one cart or buggy and two wagons, and food for such oxen, horses, or mules, for one month; also, all seed, grain, or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five beehives; one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business;

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the notarial seal, records, and office furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor, or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers, and music teachers, and their necessary office furniture; including one safe and one typewriter; also, the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and office furniture of a searcher of records necessary to be used in his profession; also, the typewriters, or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also, one bicycle, when the same is used by its owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business;

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules, or oxen with their harness, and food for such horses, mules, or oxen for one month, when necessary to be used on any whim, windlass, derrick, car, pump or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars;

6. Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack,

Property  
exempt  
from  
execution.

or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster, or other laborer habitually earns his living; and one horse, with vehicle and harness or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses, or mules for one month;

7. One fishing-boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns his livelihood;

8. Poultry not exceeding in value seventy-five dollars;

9. The wages and earnings of all seamen, sea-going fishermen and sealers, not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law;

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears, by the debtor's affidavit, or otherwise, that such earnings are necessary for the use of his family, residing in this state, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessities of life, or have been incurred at a time when the debtor had no family, residing in this state, supported in whole or in part by his labor, the one half of such earnings above mentioned is nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars if the person holding the shares is not the owner of a homestead under the laws of this state;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state;

14. All arms, uniforms, and accoutrements required by law to be kept by any person, and also one gun, to be selected by the debtor;

15. All court-houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the jail and public offices belonging to any county of this state; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this state;

16. All material, not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration, or repair of any building, mining claim or other improvement, as long as in good faith the same is about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement; Property exempt from execution.

17. All machinery, tools and implements, necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc., also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; *provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum, a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

19. Shares of stock in any building and loan association to the value of one thousand dollars.

No article, however, or species of property mentioned in this section, is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

#### CHAPTER CIV.

*An act providing for an appropriation of five thousand dollars (\$5000.00) for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand dollars (\$5000.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expense of maintenance. Improvement of Sutter's Fort, etc.

SEC. 2. The state controller is hereby authorized to draw his warrant in favor of the board of Sutter's Fort trustees for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect January first, nineteen hundred and four.

## CHAPTER CV.

*An act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the attorney-general's office of California for the fifty-second and fifty-third fiscal years.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay deficiency in suit fund, attorney-general's office

SECTION 1. The sum of five hundred thirty-three and ninety-nine one hundredths (\$533.99) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the costs and expenses of suit fund of the attorney-general's office of the State of California for the fifty-second and fifty-third fiscal years.

SEC. 2. This appropriation is hereby exempted from the provisions of section six hundred seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

## CHAPTER CVI.

*An act to amend section 1359 of the Political Code of the State of California, relating to primary elections.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section thirteen hundred and fifty-nine of the Political Code of the State of California is hereby amended so as to read as follows:

Primary elections, how conducted.

1359. Elections herein provided for and known and designated as primary elections shall be conducted, managed, and controlled as to selection of precinct officers, their powers and duties, publication of notices, use of original affidavits of registration, indexes, and supplements thereto, challenging of voters, voting booths, printing and use of the ballots, cards of instruction, ascertainment of results, time for opening and closing of the polls, and all other details, in the same manner, and subject to the same regulations as are elections for state, district, county, city and county, city, town, and local officers as far as applicable, except as otherwise provided in this chapter; *provided*, that sample ballots shall not be printed or distributed, and that there shall be but one ballot-box at each polling place; *also, provided*, that there shall be printed for each primary election precinct only as many ballots for each

Ballots.



participating political party as there are names appearing on the register, indexes or supplements thereto as persons entitled to vote thereat; *also, provided*, that the compensation which shall be allowed to each primary precinct election officer shall not exceed four dollars per day, and it shall be the duty of every person so chosen to act as such primary precinct election officer at such primary election to perform the services required of him in such capacity. That the primary precinct election officers shall be an inspector, two judges, two clerks, and one ballot clerk, for each primary election precinct, who must have been registered electors thereof for at least thirty days prior to their appointment; *provided*, that the same person shall not, without his consent, be compelled to serve as such primary precinct election officer more than once in every two years.

Compensation of officers.

Precinct officers.

SEC. 2. This act shall take effect immediately.

## CHAPTER CVII.

*An act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said act, and providing for the enforcement thereof.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said state, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war.

Hours of labor on public works.

SEC. 2. Any officer or agent of the State of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work,

Contracts shall provide for limit of hours of service.

hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the state or political subdivision in whose behalf the contract is made and awarded, ten (10) dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation.

Violation  
a misde-  
meanor.

SEC. 3. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, who shall violate any of the provisions of this act, shall be deemed guilty of misdemeanor, and shall upon conviction be punished by fine not exceeding five hundred (500) dollars, or by imprisonment, not exceeding six (6) months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after the date of its passage.

## CHAPTER CVIII.

*An act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara county, California.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for San José Normal School.

SECTION 1. The sum of five thousand dollars (\$5,000), in addition to any moneys heretofore appropriated and remaining unexpended, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the trustees of the State Normal School at San José, Santa Clara county, California, as follows, to wit: Five thousand dollars (\$5,000) for repair work and improvements necessary to be made at the State Normal School in San José, such as repairing

roofs, stairways, etc., and improving sanitary conditions, and other work necessary to be done for the welfare of the school.

SEC. 2. The controller of state is hereby directed to draw his warrants for the said amount as the work shall progress, in favor of the board of trustees of said State Normal School at San José, California, upon their requisition for the same, and the state treasurer is hereby directed to pay such warrants.

SEC. 3. This act shall take effect immediately.

## CHAPTER CIX.

*An act to amend section 22 of an act entitled "An act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-two of an act entitled "An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," is amended to read as follows:

Section 22. The sanitary board shall have power at any time after main sewers, or other sewers are laid, to order and contract for the construction of a sewer in any street or part of a street of the district where a sewer is not already constructed, and to provide by such order that the cost thereof shall be borne by the property fronting along the line of the sewer as ordered. Before ordering any work done, or improvement made, which is authorized by this section, the sanitary board shall pass a resolution of intention so to do and describing the work. The secretary of the board shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notices shall, in legible characters, state the fact of the passage of the resolution, its date and briefly

Sewers may be built at cost of owners of frontage; procedure.

the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of five consecutive days in a daily newspaper published and circulated in said district, and designated by said sanitary board, or by one insertion in a weekly newspaper so published, circulated and designated. If there be no newspaper published and circulated in said district, then and in that case said secretary shall post said notices in three public places in said district in addition to said posting along the line of said work or improvement. Any owner of property fronting upon said proposed work or improvement may make a written objection to the same within fifteen days from and after the first publication of said notice, or from and after the day of the posting of said notice if the same cannot be published as herein provided, which objection shall be delivered to the secretary of the sanitary board, who shall indorse thereon the date of its reception by him. The sanitary board shall, at its next meeting after the time for presentation of objections has expired, fix a time for hearing said objections, not less than one week thereafter. The secretary of the sanitary board shall thereupon notify the person or persons making such objection, by depositing a notice thereof in the United States postoffice in said district, or if there be none in said district, then in the one nearest thereto, postage prepaid, addressed to each objector, or his agent, when such objector appears by agent. At the time specified said sanitary board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive. Upon such decision or at the expiration of the said fifteen days, if no written objection to the work therein described has been made as aforesaid by any owner of the property fronting on said work or improvement, the sanitary board shall be deemed to have acquired jurisdiction to order any work to be done, or improvement to be made, authorized by said resolution and this section. After said sanitary board has acquired jurisdiction to do such work and make such improvement, it may order the work done and improvement made, and provide in such order a time for receiving bids, and likewise authorize the president and secretary of the sanitary board to enter into a contract for the performance of said work and making of said improvement. Such order shall be published for a period of five consecutive days in a daily newspaper published and circulated in said district, and designated by said sanitary board, or by one insertion in a weekly newspaper so published, circulated and designated, and in case there be no such newspaper published and circulated in said district, then and in that event such order shall be posted in at least three public places in said district; and at the opening of said bids the board must award the contract to the lowest responsible bidder, or may reject any and all bids and readvertise for bids and upon the opening of such bids award the contract to the lowest responsible bidder, unless the board is satisfied there is collusion between bidders when it may again reject the bids and again advertise for bids until they are satisfied the bids are

Owner  
may  
object.

Award of  
contract.

fair and not made under collusion or fraud when it must award the contract. And in case such order is made and such contract is let, then the cost of such work and improvement done under such contract shall become a lien upon and shall be assessed against such blocks, lots and lands fronting upon said work and improvement as would be assessable for said work and improvement under the provisions of that certain act entitled "An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, and acts amendatory and supplemental thereto, and the manner, method and mode of such assessment and collection of such assessment and foreclosure of such lien shall be made in accordance with the provisions of section six and subsequent of said act and acts supplemental and amendatory to such provisions; *provided, however*, that the words "city council" used in said act shall be understood to mean "sanitary board"; the words "superintendent of streets" and "city engineer" shall be understood to mean "the engineer of such sanitary district"; the words "city" and "municipality" shall be understood to mean "sanitary district"; the words "clerk" and "city clerk" shall be understood to mean "secretary of said sanitary board"; the term "treasurer" or "city treasurer" shall be understood to mean any person or officer who shall have charge of and make payment of the funds of such sanitary district; *and further provided*, that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplemental thereof upon city councils, superintendent of streets, clerks and city clerks, and treasurers and engineers and city engineers are hereby conferred and imposed upon the respective officers and board above specified.

Cost of improvements a lien upon property.

Meaning of certain terms.

SEC. 2. This act shall take effect from and after its passage and approval.

## CHAPTER CX.

*An act making an appropriation of seven hundred (\$700.00) dollars to provide for postage, expressage, telegraphing, traveling and contingent expenses of the governor's office for the fiscal year ending June thirtieth, A. D., 1903.*

[Approved March 10, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of seven hundred (\$700.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide for postage, expressage, telegraphing, traveling and contingent expenses of the governor's office for the fiscal year ending June thirtieth, A. D., 1903.

Appropriation for contingent expenses of governor's office.

SEC. 2. The controller is hereby authorized to draw his

warrant for the said sum and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect from and after its passage.

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## CHAPTER CXI.

*An act making an appropriation to pay the contingent expenses of the senate, thirty-fifth session.*

[Approved March 11, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for contingent expenses of senate.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the contingent expenses of the senate, thirty-fifth session.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CXII.

*An act to pay the claim of J. E. Atkinson, and making an appropriation therefor.*

[Approved March 11, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of J. E. Atkinson.

SECTION 1. The sum of three thousand seven hundred and fifty (\$3,750) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of J. E. Atkinson.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of J. E. Atkinson, or his assigns, in the sum of three thousand seven hundred and fifty (\$3,750) dollars, and the state treasurer is directed to pay the same, and the direction herein is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect after January first, nineteen hundred and four.

## CHAPTER CXIII.

*An act to amend section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.*

[Approved March 11, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and fifty-eight of the Political Code is hereby amended to read as follows:

1858. All state school moneys apportioned by the superintendent of public instruction must be apportioned to the several counties in proportion to the number of school census children, as shown by the returns of the school census marshals of the preceding school year; *provided*, that Indian children whose parents are on government reservations, or are living in the tribal relation, and Mongolian children not native born, shall not be included in the apportionment list. The superintendent of schools in each county must apportion all state and county school moneys as follows:

School  
moneys,  
how ap-  
portioned

First—He must ascertain the number of teachers each district is entitled to by calculating one teacher for every seventy school census children, or fraction of such number not less than twenty school census children, as shown by the next preceding school census; and in cities or districts wherein separate classes are established for the instruction of the deaf, as provided in section 1618 of this code, an additional teacher for each nine deaf children, or fraction of such number, not less than five, actually attending such classes; *provided*, that all children in any asylum, and not attending the public schools, of whom the authorities of said asylum are the guardians, shall not be included in making the estimate of the number of teachers to which the district in which the asylum is located is entitled.

Second—He must ascertain the total number of teachers for the county, by adding together the number of teachers assigned to the several districts.

Third—Five hundred dollars shall be apportioned to each district for every teacher assigned to it; *provided*, that to districts having ten and less than twenty school census children, shall be apportioned four hundred dollars; *provided further*, that to districts having over seventy school census children and a fraction of less than twenty, there shall be apportioned twenty dollars for each census child in said fraction.

Fourth—All school money remaining on hand after apportioning to the districts the moneys provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the average daily attendance in each district during the preceding school year. Census children,

wherever mentioned in this chapter, shall be construed to mean those between the ages of five and seventeen years.

Transfers  
of moneys  
to school  
fund.

Fifth—Whenever in any school year, prior to the receipt by the counties, cities, or cities and counties of this state, of their state, county, or city school fund, the school districts or cities shall not have sufficient money to their credit to pay the lawful demands against them, the county, city, or city and county superintendent shall give the treasurer of said county, city, or city and county an estimate of the amount of school money that will next be paid into the county, city, or city and county treasury, stating the amount to be apportioned to each district. Upon the receipt of such estimate, it shall be the duty of the treasurer of said county, city, or city and county to transfer from any fund not immediately needed to pay claims against it, to the proper school fund, an amount not to exceed ninety per cent of the amount estimated by the superintendent, and he shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the school fund shall be re-transferred by the treasurer to the fund from which they were taken, from the first money paid into the school fund after the transfer.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

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#### CHAPTER CXIV.

*An act making an appropriation to pay the claim of A. W. North against the State of California.*

[Approved March 11, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation  
of moneys to  
pay claim  
of A. W.  
North.

SECTION 1. The sum of four hundred dollars is hereby appropriated out of any money not otherwise appropriated to pay the claim of A. W. North against the State of California. The controller of state is hereby authorized to draw his warrant in favor of said A. W. North for said amount, and the treasurer of state is hereby directed to pay the same.

SEC. 2. This act shall take effect and be in force from and after its passage.



## CHAPTER CXV.

*An act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the state board of examiners and to appropriate money therefor.*

[Approved March 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The state board of examiners are hereby authorized to contract with a competent artist for the purchase of a portrait of ex-Governor Henry T. Gage, the same to be appropriately framed at a price not to exceed five hundred dollars; and upon delivery of such portrait, so framed, to the said board of examiners the controller shall draw his warrant as said board of examiners may direct for the amount of the contract price; and the treasurer is hereby directed to pay the same.

Portrait of  
ex-Governor  
Gage.

SEC. 2. The sum of five hundred dollars, or so much thereof, as may be necessary to pay the controller's warrant, drawn under the provisions of section one of this act, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose named in section one of this act.

SEC. 3. This act shall take effect from and after its passage.

## CHAPTER CXVI.

*An act directing the state prison directors of the State of California to employ at least twenty prisoners in the construction of roads to the state prisons at San Quentin and at Folsom.*

[Approved March 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The state prison directors of the State of California are hereby authorized and directed to employ at least twenty prisoners daily during fair weather, in the construction and repair of such public roads as have been or shall hereafter be laid out or opened by the board of supervisors of Marin county, and which extend from San Quentin state prison, or the grounds surrounding the same, to Point Tiburon, San Rafael, and all railroad stations in Marin county which lie in the neighborhood of the said state prison; *providing*, that no work shall be done by such prisoners beyond a point six miles distant from said prison buildings; and also to employ

State  
prisoners,  
employ-  
ment of, on  
public  
roads.

at least twenty prisoners under like conditions on roads extending from the state prison at Folsom in Sacramento county or connecting therewith; *providing*, that no work shall be done by such prisoners beyond a point six miles distant from said prison building.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CXVII.

*An act to appropriate the sum of one thousand three hundred and fifteen dollars, to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the superior court of Tuolumne county, California, on the 8th day of November, 1902, under the provisions of an act of the legislature of the State of California, entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.*

[Approved March 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Robert R. Potter.

SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of one thousand three hundred and fifteen dollars, to pay the claim of Robert R. Potter, the said sum being now due and owing to the said Robert R. Potter from the State of California, upon a judgment recovered by the said Robert R. Potter against the State of California, on the eighth day of November, nineteen hundred and two, in the superior court of Tuolumne county, California, under the provisions of an act of the legislature of the State of California, entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March thirty-first, eighteen hundred and ninety-one, and regulating the procedure therein," approved March twenty-third, nineteen hundred and one; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's

successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of the said Robert R. Potter for the said sum of one thousand three hundred and fifteen dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

### CHAPTER CXVIII.

*An act to amend section fifty-six (56) of an act, entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and as amended March 23, 1901, relating to the officers of a township.*

[Approved March 12, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifty-six (56) of an act entitled, "An act to establish a uniform system of county and township governments," approved April 1st, 1897, is hereby amended so as to read as follows:

Section 56. The officers of a township are two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices or recorders are elected, there shall be but one justice of the peace; except as hereinafter otherwise provided, and in townships having a population less than five thousand, there shall be but one justice of the peace and one constable, and except in townships containing a population of more than one hundred thousand and less than three hundred thousand, there shall be two justices of the peace. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables and shall appoint competent persons to fill the offices of justice of the peace and constable created by this act. But the provisions of this section shall not affect any present incumbent of the office of justice of the peace or constable.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXIX.

*An act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Collection of personal property taxes by suit.

SECTION 1. Each county and city and county may sue in its own name for the recovery of any and all moneys due or hereafter to become due as delinquent taxes upon any and all personal property, where no real property is assessed as security for the payment of such personal property taxes, or where, in the judgment of the board of supervisors, there is not sufficient real property assessed to secure the payment of such personal property taxes, whether the same be for county or city and county, and state purposes, or either of them, and for all penalties due upon said taxes for non-payment thereof.

Evidence.

SEC. 2. On the trial of any such suit the assessment roll of said county or city and county, or a copy of any entry therein duly certified, showing unpaid taxes against the defendant, or, in cases where the defendant is sued in a representative capacity, against any person or estate he represents, shall be prima facie evidence of the plaintiff's right to recover.

Pending actions.

SEC. 3. All actions now pending for the collection of such taxes may be carried on and prosecuted under the provisions and in accordance with this act.

Conflicting acts repealed.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed, but the method of collecting such taxes herein provided shall not be deemed to be the exclusive method, nor shall the provisions of this act in any manner abrogate or modify the provisions of sections 3831 or 3899 of the Political Code of the State of California.

SEC. 5. This act shall take effect and be in force immediately from and after its passage.

## CHAPTER CXX.

*An act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this state, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Within sixty days after the taking effect of this act, any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county or consolidated city and county in this state, created under the provisions of an act approved March 29, 1897, entitled "An act to amend an act approved March 26, 1895, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,'" as amended, may withdraw from such organization by complying with the provisions of this act; *provided, however, that the provisions of this act shall not apply to any county or consolidated city and county, where there are, at the time of the taking effect of this act, any annuitants drawing annuities from the said fund of such county, or consolidated city and county.*

Contributors to teachers' annuity fund may withdraw.

SEC. 2. Any such teacher, or public officer, desiring to avail himself of the provisions of this act, shall within sixty (60) days after the taking effect of this act, sign and file with the board of public school teachers' retirement fund commissioners of the county, or consolidated city and county, where such teacher or public officer is then a contributor, a notice in writing to the effect that such teacher, or public officer, thereby withdraws from the said organization, and shall at the same time sign and file with the clerk, secretary, officer, or board, whose duty it is to issue the salary warrants of such teacher or public officer, a notice similar in substance to the said notice filed with the said board of commissioners.

Notice to be filed.

SEC. 3. The said board of commissioners shall, at its next regular meeting after the expiration of said sixty (60) days, pass a resolution directing that all money contributed to said public school teachers' annuity and retirement fund by such teachers or public officers so withdrawing, shall be immediately returned to such teachers or public officers. If the amount in the fund of said organization, after the payment of all legal demands, shall be insufficient to pay each withdrawal the full

Commissioners shall order return of money.

amount contributed by him, then the said board shall compute the pro rata amount that shall be paid to each, the same to be in proportion to their respective contributions, and shall specify in said resolution the amount to be returned to each.

Warrants.

SEC. 4. The president and secretary of said board shall thereupon issue warrants to the persons entitled thereto, in such amounts as shall have been so computed and specified by said board, and the treasurer of said fund shall pay the same to the person named in each respective warrant, or to his heirs or assigns.

Relief  
from  
liability.

SEC. 5. From and after filing the notices, specified in section two hereof, each teacher or public officer giving such notices shall be relieved from all burdens and liabilities imposed by the said act designated in section one hereof.

Duty of  
warrant  
officers.

SEC. 6. The clerk, secretary, officer, or board, whose duty it is to issue the salary warrants of such teachers or public officers, shall, from and after the filing of the said notice with him or it, cease to note on the salary warrant of such teacher or public officer any amount to be deducted therefrom by the treasurer on account of said fund.

SEC. 7. This act shall take effect immediately.

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## CHAPTER CXXI.

*An act to pay the claim of C. W. King and making an appropriation therefor.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of C. W. King.

SECTION 1. The sum of three hundred dollars (\$300) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of C. W. King.

SEC. 2. The controller of the state is hereby authorized to draw his warrant for said sum, in favor of C. W. King or his assigns, and the state treasurer is directed to pay the same, and the direction herein is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect January first, nineteen hundred and four.

## CHAPTER CXXII.

*An act to amend and re-enact section eleven hundred and forty-two of the Political Code relative to the appointment of officers of election to constitute election boards.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and forty-two of the Political Code of the State of California is hereby amended to read as follows:

1142. When an election is ordered, the board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, of the state must appoint officers of election board from the registered electors of each precinct whose names appear upon the last assessment roll of the county or city and county to serve as election officers only in the election precinct in which they are registered and actually reside to constitute the election board for such precinct, which shall consist of two inspectors, two judges, and two clerks; the inspectors, judges and clerks to be apportioned equally between the two political parties which, respectively, cast the highest and next highest number of votes for governor at the last general election; the inspectors and judges so appointed shall constitute a board of election for such precinct. And such board of supervisors or other board having charge of elections must publish the names of such electors who constitute the board of elections for each election precinct, in some newspaper published in the county or city and county where the election is to be held for five successive days at least one week before the day such election is to be held; or in a weekly paper published in the county, for two successive weeks prior to the election. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificate shall be signed by a majority of the whole. No person shall be eligible to act as an officer of election at any precinct who has been employed in any official capacity in the county, or city and county, in the state, within ninety days next preceding any election. No person shall be eligible to act as a member of any election board, or as a clerk upon such board, who cannot read and write the English language. Any person acting as a member of any election board, or as a clerk upon such board, who cannot read and write the English language, and any person who refuses to act upon such board, or as a clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient

Boards of election; qualifications of.

Supervisors must publish names.

Duties of election board.

Eligibility.

Refusal to serve; penalty.

cause for such refusal is shown to the election board or to the board of supervisors, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of five hundred dollars, and upon failure to pay said fine shall be imprisoned in the county jail of such county, or city and county, for the period of one day for each one dollar of said fine.

SEC. 2. This act shall take effect and be in force from and after its passage.

### CHAPTER CXXIII.

*An act to amend section seventeen of the Code of Civil Procedure relating to the definition of certain words.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen of the Code of Civil Procedure is hereby amended to read as follows:

Words and  
terms  
defined.

17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness; *provided*, that when a signature is by mark it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witness thereto.

Significa-  
tion of  
words.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "property" includes both real and personal property;
2. The words "real property" are coextensive with lands, tenements, and hereditaments;
3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;
4. The word "month" means a calendar month, unless otherwise expressed;
5. The word "will" includes codicil;
6. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial



officer; and the word "process" a writ or summons issued in the course of judicial proceedings;

7. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the district and territories;

8. The word "section" whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.

9. The word "affinity" when applied to the marriage relation, signifies the connection existing in consequence of marriage, between each of the married persons and the blood relatives of the other.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

#### CHAPTER CXXIV.

*An act to amend section 880 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That section eight hundred and eighty of article four, chapter seven, of an act to provide for the organization, incorporation, and government of municipal corporations, approved March thirteenth, eighteen hundred and eighty-three, be, and the same is hereby, amended so as to read as follows:

Section 880. The department of police of said city or town shall be under the direction and control of the marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city or town, and every citizen shall also lend his aid, when required, for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the recorder all breaches or violations of or non-compliance with any ordinance which shall come to his knowledge. He shall collect all taxes levied by the board of trustees, except as is herein provided. He shall, at the expiration of any month, pay to the treasurer all taxes and other funds of said city or town collected by him

General  
powers  
and duties  
of the  
marshal.

during said month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any chaingang which may be established by the board of trustees. He shall for service of any process receive the same fees as constables, but his fees for services in any criminal action or proceeding upon process issued from the recorder's court shall not be a charge against the county. He may appoint, subject to the approval of the board of trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the marshal. He may also, with the concurrence of the president of the board of trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the board of trustees shall require, and shall receive such compensation as shall be fixed by ordinance.

Fees.

Deputies.

Compensation.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXXV.

*An act to amend section 595 of an act entitled "An act to establish a Civil Code, approved March 21, 1872," relating to the amount, character and location of real estate that may be owned or held by corporations whose object is not pecuniary profit.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and ninety-five of the act entitled "An act to establish a Civil Code, approved March twenty-first, eighteen hundred and seventy-two," is hereby amended so as to read as follows:

Limitation  
of realty  
holdings.

595. All such corporations may hold all the property of the association owned prior to incorporation, or acquired thereafter in any manner, and transact all business relative thereto; but no such corporation must own or hold more real estate than may be necessary for the business and objects of the association, and providing burial grounds for its deceased members, not to exceed six whole lots in any city or town, nor more than fifty acres in the country, the annual increase,

income, or profit whereof must not exceed fifty thousand dollars; *provided*, that any such corporation now or hereafter having, and having had continuously, for the next preceding three years, the care, custody, control, and maintenance each year, upon an annual average of not less than one hundred orphans, half orphans, and indigent minor children, at any one orphan asylum, shall be entitled and allowed to own and possess any number of acres not exceeding one hundred and sixty acres of land in the country, outside of any incorporated city or town, and the annual income or profit of which does not exceed fifty thousand dollars; *and provided further*, that the limitations herein provided for shall not apply to corporations formed, or to be formed, under section six hundred and two of the Civil Code, when the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes, or to corporations organized other than for profit, when the land is timber land, and not exceeding one hundred and sixty acres in extent, and is held or used for the purposes of the organizations, in which case said land shall be subject to all laws regulating the preservation of forests.

SEC. 2. This act shall take effect immediately from and after its passage.

## CHAPTER CXXVI.

*An act to amend an act entitled, "An act to establish a Penal Code," by adding a new section thereto to be numbered six hundred and twenty-five a, relating to unlawful interferences with public fire alarms.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That an act entitled, "An act to establish a Penal Code," be amended by adding a new section thereto to be numbered six hundred and twenty-five a, and to read as follows:

625a. Any person who willfully and maliciously tampers with, molests, injures, or breaks any public fire-alarm apparatus, wire, or signal, or willfully and maliciously sends, gives, transmits, or sounds any false alarm of fire, by means of any public fire-alarm system or signal, is punishable by imprisonment in the county jail, not exceeding one year, or by a fine, not exceeding one thousand dollars, or by both such fine and imprisonment.

Unlawful interferences with fire-alarm apparatus; penalty.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXXVII.

*An act authorizing and empowering the board of state harbor commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said board of state harbor commissioners.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of J. D. Spreckels & Bros. Co.

SECTION 1. The board of state harbor commissioners are hereby authorized, empowered and directed to pay the claim of J. D. Spreckels & Bros. Co., for such damages, if any, as may be found to have been sustained, not to exceed the sum of \$21,000.00 in all, by reason of the collapse of a certain wharf and coal bunkers thereon, in the harbor of the city and county of San Francisco.

SEC. 2. The board of state harbor commissioners are hereby authorized, empowered and directed to draw their draft on the state controller, payable out of the San Francisco harbor improvement fund, for any sum found due to J. D. Spreckels & Bros. Co., as damages, as aforesaid, not to exceed the sum of \$21,000.00.

SEC. 3. Upon presentation of the aforesaid draft, the state controller is hereby authorized and directed to draw his warrant in favor of said J. D. Spreckels & Bros. Co., for the amount of said draft, payable out of the San Francisco harbor improvement fund and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect from and after its passage.

## CHAPTER CXXVIII.

*An act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the city and county of San Francisco, California.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Pacific Coast Steamship Company.

SECTION 1. The sum of twenty-three hundred and forty-five dollars and seventy-five cents (\$2,345.75) is hereby appropriated, out of any money in the San Francisco harbor improvement fund, for the purpose of paying the claim of

the Pacific Coast Steamship Company arising from the loss of merchandise by the collapse of a portion of pier nine (9) in the city and county of San Francisco, California, on August fourteenth, eighteen hundred and ninety-seven.

SEC. 2. The controller is hereby authorized to draw his warrant in favor of the Pacific Coast Steamship Company for the said sum of twenty-three hundred and forty-five dollars and seventy-five cents (\$2,345.75), said warrant to be payable out of the San Francisco harbor improvement fund, at any time after the first day of July, nineteen hundred and three.

### CHAPTER CXXIX.

*An act to prohibit the use of the bristle bur, tack bur, or other like devices on horses or other animals in this state.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be unlawful hereafter in this state for any one, owner, driver or other person, having the care, custody or control of any horse or other animal, to use what is known as the bristle bur, tack bur, or other like device, by whatsoever name known or designated, on any said horse or other animal for any purpose whatsoever.

Bristle bur,  
tack bur,  
etc., on  
horses,  
prohibited.

SEC. 2. A violation of the provisions of this act shall be deemed a misdemeanor and any one found guilty thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than ten nor more than one hundred and seventy-five days, or may be punished by both such fine and imprisonment.

Penalty.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CXXX.

*An act supplemental to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Founder of a school, etc., may surrender reserved rights.

SECTION 1. The founder or founders, surviving founder, or wife or widow of any founder, of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library or any other institution, or any or all thereof, founded under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, may, by an instrument in writing, resign, relinquish and surrender all the rights, powers, privileges and duties reserved to or vesting in such founder or founders, surviving founder, or wife or widow of such founder, over, in, or concerning any of the property granted or given to such institution or institutions, or over or concerning any such institution or institutions so founded, and thereupon all estates, rights, powers, privileges, trusts and duties which would otherwise vest in or devolve upon the trustee or trustees of the trusts and estates created for the founding, endowment and maintenance of any such institution or institutions upon the death of the person or persons so resigning, relinquishing and surrendering, by the terms of the grant founding the institution or institutions, and amendments thereof, and by the terms of any grants, gifts, bequests, and devises supplementary thereto, or of any confirmatory grants, shall immediately vest in and devolve upon such trustee or trustees. Nothing herein contained shall prevent such person or persons so resigning, relinquishing and surrendering such rights, powers, privileges or duties from thereafter becoming and serving as one of such trustees, or

from becoming and serving as an officer of any board of such trustees.

SEC. 2. This act shall take effect and be in force from and after its passage.

### CHAPTER CXXXI.

*An act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissions, prisons, schools, hospitals, and other state institutions, for the remainder of the fifty-fourth fiscal year.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-seven thousand nine hundred and eighty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay for all printing, binding, and ruling and all other work performed and materials furnished by the state printing office to the various state officers, boards, commissions, prisons, schools, hospitals and other state institutions for the remainder of the fifty-fourth fiscal year; *provided*, that said appropriation shall be apportioned as follows:

Appropriation for printing, etc., for remainder of fifty-fourth fiscal year.

Adjutant-General, twenty-five hundred dollars.

Agricultural Society, twenty-five hundred dollars.

Board of Equalization, eight hundred dollars.

Board of Horticulture, fifteen hundred dollars.

Clerk of Supreme Court, five hundred dollars.

Code Commissioners, eight hundred and eighty-five dollars.

Controller, fifteen hundred dollars.

Deaf, Dumb and Blind Institution, one hundred dollars.

Home for Adult Blind, one hundred dollars.

Lick Observatory, five thousand dollars.

Governor, one hundred dollars.

Surveyor-General, four hundred and fifty dollars.

Home for Feeble-Minded Children, one hundred dollars.

State Normal School, Chico, two hundred and fifty dollars.

State Normal School, San José, two hundred and fifty dollars.

State Normal School, San Diego, two hundred and fifty dollars.

State Normal School, San Francisco, two hundred and fifty dollars.

California Polytechnic School, San Luis Obispo, two hundred and fifty dollars.

State Prison, San Quentin, two hundred and fifty dollars.

State Prison, Folsom, two hundred and fifty dollars.

Lunacy Commission, five hundred dollars.

Preston School, two hundred and fifty dollars.

Whittier State School, two hundred and fifty dollars.

Superintendent of Public Instruction, three thousand dollars.  
 Superintendent of State Printing, three hundred and fifty dollars.

Superintendent of State Printing, lithographing, five hundred dollars.

State Treasurer, two hundred and fifty dollars.

State University, five thousand dollars.

Débris Commission, one hundred dollars.

SEC. 2. The controller is hereby authorized to draw his warrant for the amount herein made payable, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CXXXII.

*An act making an appropriation of two hundred and fifty thousand (\$250,000.00) dollars for the construction of a building to be erected by the regents of the University of California in Alameda county on the grounds of the university for the accommodation of the students of the university, also providing for the time of payment thereof and prescribing the duties of the controller and the treasurer in relation thereto.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for construction of building on grounds of University of California.

SECTION 1. The sum of two hundred and fifty thousand (\$250,000.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the regents of the University of California in the construction of a building at Berkeley, California, on the university grounds for the use and accommodation of the students in the university. Seventy-five thousand (\$75,000.00) dollars, parcel thereof, shall be paid on the first day of July, A. D., 1903; seventy-five thousand (\$75,000.00) dollars, parcel thereof, on the first day of January, A. D., 1904, and one hundred thousand (\$100,000.00) dollars, remaining parcel thereof, on the first day of July, A. D., 1904.

SEC. 2. The controller is hereby authorized and directed to draw his warrants for the same payable to the order of the treasurer of the University of California, and the treasurer of state is hereby directed to pay such warrants.



## CHAPTER CXXXIII.

*An act to establish a poultry experiment station in the county of Sonoma, and making an appropriation therefor.*

[Approved March 13, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby established in the county of Sonoma, at or near the city of Petaluma, a poultry experiment station, to be known as the "California Poultry Experiment Station."

Poultry experiment station.

SEC. 2. The purposes of said station shall be the study of the diseases of poultry to ascertain the causes of such diseases, and to recommend treatment for the prevention and cure of the same; to ascertain the relative value of poultry foods for the production of flesh, fat, eggs, and feathers; to recommend methods of sanitation, and to conduct investigations for the purpose of securing results conducive to the promotion of the poultry interests of the state. This act shall be liberally construed to the end that the station hereby established may at all times contribute to the technical and general knowledge of the public upon the subject of poultry husbandry.

Purposes.

SEC. 3. The said station shall be under the supervision of the director of the agricultural experiment stations of the State of California, who shall, from time to time, cause to be issued bulletins of information regarding the care of poultry.

Supervision.

Bulletins.

SEC. 4. Within thirty days after the passage of this act the governor shall appoint three persons, two of whom shall be from the staff of professors in the agricultural department of the University of California, and one a practical poultry raiser, which said persons shall constitute a board or commission to select and secure a site of not less than five acres for such poultry experiment station. Such board shall have full power to secure such site, by lease, purchase, or donation thereof, and shall proceed to the performance of the duties herein imposed within thirty days after receiving notice of their appointment.

Selection of site.

SEC. 5. All moneys appropriated for the use of the station hereby established shall be under the control of the regents of the University of California.

Control of moneys.

SEC. 6. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for securing the necessary site, and for equipping and maintaining said California poultry experiment station as provided by this act. Of the amount herein appropriated, the sum of two thousand five hundred dollars shall be available during the fiscal year nineteen hundred three and nineteen hundred four, and two thousand five hundred dollars shall be

Appropriation.

available during the fiscal year nineteen hundred four and nineteen hundred five.

SEC. 7. The state controller is hereby authorized to draw his warrants for the sum herein appropriated in favor of the treasurer of the regents of the University of California, and the state treasurer is hereby directed to pay the same.

SEC. 8. This act shall take effect immediately.

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#### CHAPTER CXXXIV.

*An act to amend sections 1197, 1205 and 1211 of the Political Code relating to election ballots and manner of voting.*

[Approved March 14, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:

Only one  
form of  
ballot.

1197. 1. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided in this code, together with the title of the office, arranged in tickets under the titles of the respective political parties as certified in the certificates of nomination. The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given.

Party can-  
didates in  
parallel  
columns.

2. The list of candidates of the several parties shall be printed in parallel columns, each column to be headed by the party name, in such order as the secretary of state may direct, precedence, however, being given to the party which polled the highest number of votes for governor at the last preceding general election for such officer, and so on. The number of such columns shall exceed by one the number of separate tickets of candidates to be voted for at the polling place for which the ballot is provided, except as otherwise provided in this section. The party name shall be printed in display, the name or designation of the office in brevier lower case, and the name of the candidate therefor in brevier capital type. The title of the office, together with the name of the candidate therefor, shall be printed in a space one half inch in depth, and at least two inches in width, defined by light, horizontal ruled lines, with a blank space on the right thereof one half of an inch wide, inclosed by heavier dark lines, which space (called the voting square) shall be of the same depth as the space containing the title of the office and the name of the candidate; *provided, however*, that when two or more persons are voted for, for offices having the same title, for the same

Style of  
printing.

term, on the same party ticket, as, for instance, presidential electors, the title of the office shall be printed in each space, with the name of each candidate for such office, and after such title there shall be stated the number of persons to be voted for for such offices by words in parenthesis in nonpareil type, thus: (vote for two), giving the correct number to be voted for, as the case may be.

3. On the right of each ballot shall be a column in which shall be printed in spaces as above provided, only the titles of the offices for which candidates may be voted for by the electors at the polling places for which such ballot is printed. Such column is designated as the "blank column," and in such column the voting squares shall be omitted, but in all other respects such blank column shall conform to the political party columns on such ballot. In the space of such column above the heavy ruled line at the top thereof shall be printed in eighteen-point gothic capitals the words "blank column," and below such words shall be printed in brevier capital type the following: "The elector may write in the column below, under the title of the office, the name of any person whose name is not printed upon the ballot, for whom he desires to vote. Do not use a voting stamp, or make any cross in this column." The heading of each party or independent ticket shall be separated from the rest of the ticket by a heavy printed line.

Blank column.

4. Immediately under the heading of each party or independent ticket and above the heavy printed line shall be inserted a printed circle at least three fourths of an inch in diameter, and of uniform size and appearance for all tickets, which shall be called the party voting circle, in which circle a stamp may be made by those who wish to vote for such party ticket. Opposite such circle and in the same space shall be printed the following words in lower case brevier type: "To vote a straight ticket stamp a cross (X) within this circle." The space occupied by such circle and words shall not exceed two inches in length.

Party voting circle.

5. In the case of nominations provided for in section eleven hundred and eighty-eight, herein referred to as independent tickets, the ballot shall be so arranged that at the right of the last column for nominations made pursuant to section eleven hundred and eighty-seven the several tickets of the names of the candidates nominated under section eleven hundred and eighty-eight shall be printed in one or more columns according to the space required, having above each of the tickets the political or other name selected to designate such independent nominations and a circle as aforesaid to provide the party voting circle for such independent nominations. The independent tickets occupying the same column shall be separated from each other by a solid black line one eighth of an inch wide. At the top of such column, or columns, for independent nominations, shall be printed in type known as eighteen-point gothic capitals, the words "independent nominations." The independent nominations shall be placed in said column in sequence, preference being given to the office of the head of the

Independent nominations.

Column must be filled.

ticket and so on; one column must be filled before another is provided.

Border on  
ballot.

6. Each column upon the ballot shall be bordered on either side by a broad solid printed line one eighth of an inch wide, and the edge of the ballot on the left hand side shall be trimmed off up to the border or solid line described, and on the right hand side shall be perforated along the border or solid line above described. The ballot shall be so printed as to give each voter a clear opportunity to designate, by stamping a cross (X) in a blank inclosed space, heretofore designated as the voting square, on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom, along the border or solid line hereinbefore described, one half inch from the right hand side of such ballot, and upon the half inch strip thus formed there shall be no printing except the number of the ballot, which shall be upon the back of such strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks, or registrars of voters of consolidated cities and counties, shall have printed on the back, below the stub, and immediately at the left of the center of the ballot, in eighteen-point gothic capitals, the words "general ticket," and, underneath, the respective number of congressional, senatorial, and assembly districts in which each ballot is to be voted, and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of candidates for city and county officers, and also all the ballots printed by the clerk, registrar of voters, or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner, on the back, the words "municipal ticket." All municipal tickets shall be printed on paper of a different tint from that of the general ticket. On the top of the face of the ballot the following directions shall be printed:

Number on  
ballot.

General  
ticket.

Municipal  
ticket.

#### INSTRUCTIONS TO VOTERS:

Instruc-  
tions to  
voters.

To vote a straight ticket, stamp a cross (X) within the circle under the party heading.

To vote a split ticket, that is, for candidates of different parties, stamp a cross (X) in the voting circle at the head of your party ticket, and a cross (X) after each candidate, not on your party ticket, for whom you desire to vote or stamp a cross (X) for each individual candidate for whom you desire to vote, and DO NOT STAMP your party voting circle.

Where two or more candidates for the same office are to be elected and you desire to vote for candidates for that office

who are on your party ticket, and also for candidates for that office who are not on such ticket, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, whether they be on your party ticket or not. Where a party has made no nomination for an office, the space for that office in the party column is omitted on this ballot.

If a party ticket does not contain the names of candidates for all offices for which the voter may vote, he may, if he vote the straight ticket of such party, vote for candidates for such offices so omitted by stamping a cross (X) in the voting square opposite the names of the candidates for such offices on any other ticket, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office. To vote for a person not on the ballot, write the name of such person, under the title of the office, in the blank column, and do not stamp a cross (X) after the name written in the blank column. ALL MARKS EXCEPT THE CROSS (X) ARE FORBIDDEN. ALL DISTINGUISHING MARKS OR ERASURES ARE FORBIDDEN AND MAKE THE BALLOT VOID.

If you **WRONGLY STAMP, TEAR or DEFACE THIS BALLOT**, return it to the inspector of election and obtain another.

The caption "Instructions to Voters" shall be printed as a side heading in forty-point gothic condensed capital type, and the body of the instructions shall be printed in ten-point lower-case gothic, except that the words printed in capital letters in the foregoing instructions shall be printed in capital letters on the ballot.

Style of printing instructions.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality, and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Ballots must be uniform.

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If, at a general election, an officer is to be elected for a full term, and another to fill a vacancy, the term for which each such candidate is nominated shall be printed as a part of the title of the office, and the name of the candidate to fill such vacancy shall be placed immediately following that of the candidate for the full term. When no nomination has been made by a political party, as provided by law, for an office to be filled at the election, the title of such office shall not be printed in the party column, and no voting space or square shall be provided in such column for such office. If any ticket or list of candidates contains more can-

Printing title of office.

"No nomination."

didates for any office than there are persons to be elected to such office, it shall be deemed that no nomination has been made for such office.

Submission of propositions.

9. Whenever any proposition or constitutional amendment is to be submitted to the vote of the people, there shall be printed at the right of the blank column, another column, or columns with voting squares, in which such proposition, or constitutional amendment, shall be designated, and opposite such proposition, or constitutional amendment, to be voted on, in separate lines, the words "yes" and "no" shall be printed. If an elector shall have stamped a cross (X) in the voting square after the printed word "yes," his vote shall be counted in favor of the adoption of the proposition or constitutional amendment; if he shall have stamped a cross (X) after the printed word "no," his vote shall be counted against the adoption of the same. The ballot shall be printed in accordance with the following form: [See accompanying folder.]

Form of ballot.

SEC. 2. Section twelve hundred and five of the Political Code is hereby amended so as to read as follows:

How voter shall prepare his ballot.

1205. On receiving his ballot, the elector shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booths or compartments provided, to prepare his ballot. If he intends to vote a straight party or independent ticket he shall stamp a cross (X) in the party voting circle at the head of such party or independent ticket, and such stamp shall be deemed to be a vote for each candidate named on such party or independent ticket. If he intends to vote for some candidates, only, on one ticket, or for candidates on different tickets, he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends to vote, and this shall be counted as a vote for each person after whose name the voter has stamped such cross, or he may vote for a candidate or person whose name is not printed on the ballot by writing a name for such office in the "blank column," in which latter case the vote of such voter for that office shall be counted for the person whose name is so written. Where a party ticket does not contain the names of candidates for all offices for which the voter may vote, he may vote a straight ticket of such party, vote for candidates for such offices so omitted by stamping a cross (X) in the voting square opposite the names of the candidates for such offices on any other ticket, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

Where two or more candidates for the same office are to be elected and the voter desires to vote for candidates for that office who are on the voter's party ticket and also for candidates for that office who are not on such ticket, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote whether they be on his party ticket or not.

Without stamping a cross (X) in the party voting circle, a voter may vote a straight party ticket by stamping a cross in

# INSTRUCTIONS TO VOTERS:

To vote a straight Ticket, stamp a cross (X) within the circle under the party heading.  
 To vote a split Ticket, that is, for candidates of different parties, stamp a cross (X) in the voting circle at the head of your party ticket, and a cross (X) after each candidate not on your party ticket for whom you desire to vote, or stamp a cross (X) for each individual candidate for whom you desire to vote, and DO NOT STAMP your party voting circle.

Where two or more candidates for the same office are to be elected and you desire to vote for candidates for that office who are on your party ticket, and also for candidates for that office who are not on such ticket, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, whether they be on your party ticket or not.

Where a party has made no nomination for an office, the space for that office in the party column is omitted on this ballot.  
 If a party ticket does not contain the names of candidates for all offices for which the voter may vote, he may, if he votes the straight ticket of such party, vote for candidates for such offices so omitted by stamping a cross (X) in the voting square opposite the names of the candidates for such offices on any other ticket, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

To vote for a person not on the ballot, write the name of such person, under the title of the office, in the blank column, and do not stamp a cross (X) after the name written in the blank column.  
**ALL MARKS EXCEPT THE CROSS (X) ARE FORBIDDEN.**  
**ALL DISTINGUISHING MARKS OR ERASURES ARE FORBIDDEN AND MAKE THE BALLOT VOID.**  
 If you **WRONGLY STAMP, TEAR, or DEFACE THIS BALLOT**, return it to the Inspector of Election and obtain another.

REPUBLICAN TICKET.		DEMOCRATIC TICKET.		SOCIALIST TICKET.		PROHIBITION TICKET.		INDEPENDENT NOMINATIONS.		BLANK COLUMN.		CONSTITUTIONAL AMENDMENTS.	
To vote a straight ticket stamp a cross (X) within this circle.		To vote a straight ticket stamp a cross (X) within this circle.		To vote a straight ticket stamp a cross (X) within this circle.		To vote a straight ticket stamp a cross (X) within this circle.				THE ELECTOR MAY WRITE IN THE COLUMN BELOW, UNDER THE TITLE OF THE OFFICE, THE NAME OF ANY PERSON WHOSE NAME IS NOT PRINTED UPON THE BALLOT, FOR WHOM HE DESIRES TO VOTE. DO NOT USE A VOTING STAMP (X) OR MAKE ANY CROSS (X) IN THIS COLUMN.			
For Governor, GEORGE C. PARDEE.		For Governor, FRANKLIN K. LANE.		For Governor, GIDEON S. BROWER.		For Governor, THEODORE D. KANOUSE.		For Sheriff, JAMES O. BECKER.		For Governor,		Senate Constitutional Amendment No. 4.—Relating to the public school system and the support of public schools.	Yes.
For Lieutenant-Governor, ALDEN ANDERSON.		For Lieutenant-Governor, I. B. DOCKWEILER.		For Lieutenant-Governor, FRANK R. WHITNEY.		For Lieutenant-Governor, S. P. MEADS.		For Sheriff J. M. HIGGINS.		For Lieutenant-Governor,			No.
For Chief Justice of the Supreme Court, WILLIAM H. BEATTY.		For Chief Justice of the Supreme Court, JOHN K. LAW.		For Chief Justice of the Supreme Court, H. G. WALKER.		For Chief Justice of the Supreme Court, T. M. STEWART.				For Chief Justice of the Supreme Court,			
For Associate Justice of the Supreme Court, (Vote for Two) F. M. ANGELLOTTI.		For Associate Justice of the Supreme Court, (Vote for Two) E. C. FARNSWORTH.		For Associate Justice of the Supreme Court, (Vote for Two) EMIL LEISS.		For Associate Justice of the Supreme Court, (Vote for Two) JAMES H. BLANCHARD.				For Associate Justice of the Supreme Court, (Vote for Two)			
For Associate Justice of the Supreme Court, (Vote for Two) LUCIEN SHAW.		For Associate Justice of the Supreme Court, (Vote for Two) D. K. TRASK.		For Associate Justice of the Supreme Court, (Vote for Two) WAYLAND C. SHEPARD.		For Associate Justice of the Supreme Court, (Vote for Two) M. L. WEEKS.				For Associate Justice of the Supreme Court, (Vote for Two)			
For Secretary of State, CHARLES F. CURRY.		For Secretary of State, ALEXANDER ROSBOROUGH.		For Secretary of State, FRED C. WHEELER.		For Secretary of State, ARTHUR C. BANTA.				For Secretary of State,			
For Controller, E. P. COLGAN.		For Controller, FREDERICK HARKNESS.		For Controller, S. EDGAR ALDERMAN.		For Controller, J. E. MCCOMAS.				For Controller,			
For Treasurer, TRUMAN REEVES.		For Treasurer, SAM. H. BROOKS.		For Treasurer, OSWALD SEIFERT.		For Treasurer, JAMES CAMPBELL.				For Treasurer,			
For Attorney-General, U. S. WEBB.		For Attorney-General, WILLIAM A. GETT.		For Attorney-General, CAMERON H. KING.		For Attorney-General, JOEL H. SMITH.				For Attorney-General,			
For Surveyor-General, VICTOR H. WOODS.		For Surveyor-General, CHARLES H. HOLCOMB.		For Surveyor-General, WALTER STEVENSON.		For Surveyor-General, THOMAS B. RUSSELL.				For Surveyor-General,			
For Clerk of the Supreme Court, FRANK C. JORDAN.		For Clerk of the Supreme Court, LAWRENCE H. WILSON.		For Clerk of the Supreme Court, SCOTT ANDERSON.		For Clerk of the Supreme Court, C. C. COLLINS.				For Clerk of the Supreme Court,			
For Superintendent of Public Instruction, THOMAS J. KIRK.		For Superintendent of Public Instruction, E. W. LINDSAY.		For Superintendent of Public Instruction, ANNA F. SMITH.		For Superintendent of Public Instruction, CHARLTON EDHOLM.				For Superintendent of Public Instruction,			
For Superintendent of State Printing, W. W. SHANNON.		For Superintendent of State Printing, E. I. WOODMAN.		For Superintendent of State Printing, S. H. LAVERTY.		For Superintendent of State Printing, LEROY S. ATWOOD.				For Superintendent of State Printing,			
For Representative in Congress, Seventh Congressional District, JAMES McLACHLAN.		For Representative in Congress, Seventh Congressional District, CARL ALEX JOHNSON.		For Representative in Congress, Seventh Congressional District, GEORGE H. HUGHES.		For Representative in Congress, Seventh Congressional District, FRED S. WHEELER.				For Representative in Congress, Seventh Congressional District,			
For Member of the State Board of Equalization, Fourth District, FRANK MATTISON.		For Member of the State Board of Equalization, Fourth District, JAMES HANLEY.		For Member of the State Board of Equalization, Fourth District, FRANK A. MAREK.		For Member of the State Board of Equalization, Fourth District, J. C. THOMAS.				For Member of the State Board of Equalization, Fourth District,			
For Railroad Commissioner, Third District, ORRIN S. HENDERSON.		For Railroad Commissioner, Third District, TIMOTHY SPELLACY.		For Railroad Commissioner, Third District, G. A. GARRETT.		For Railroad Commissioner, Third District, H. CLAY NEEDHAM.				For Railroad Commissioner, Third District,			
For State Senator, Thirty-eighth Senatorial District, C. W. PENDLETON.		For State Senator, Thirty-eighth Senatorial District, LE COMPTE DAVIS.		For Judge of the Superior Court, (Vote for Four) SARA I. WILDE.		For Member of the Assembly, Seventy-second Assembly District, M. R. CHAPIN.				For State Senator, Thirty-eighth Senatorial District,			
For Member of the Assembly, Seventy-second Assembly District, H. S. G. McCARTNEY.		For Member of the Assembly, Seventy-second Assembly District, JOHN SATTERWHITE.		For Judge of the Superior Court, (Vote for Four) CLARENCE H. LEE.		For Sheriff, JOHN McCUEN.				For Member of the Assembly, Seventy-second Assembly District,			
For Judge of the Superior Court, (Vote for Four) MATTHEW T. ALLEN.		For Judge of the Superior Court, (Vote for Four) MILTON K. YOUNG.		For Judge of the Superior Court, (Vote for Four) S. W. NIMAN, JR.						For Judge of the Superior Court, (Vote for Four.)			
For Judge of the Superior Court, (Vote for Four) B. N. SMITH.		For Judge of the Superior Court, (Vote for Four) THOMAS L. WINDER.		For Sheriff, J. N. LANCASTER.						For Judge of the Superior Court, (Vote for Four.)			
For Judge of the Superior Court, (Vote for Four) NATHANIEL P. CONREY.		For Judge of the Superior Court, (Vote for Four) LUCIEN EARLE.								For Judge of the Superior Court, (Vote for Four.)			
For Judge of the Superior Court, (Vote for Four) CURTIS D. WILBUR.		For Judge of the Superior Court, (Vote for Four) H. T. GORDON.								For Judge of the Superior Court, (Vote for Four.)			
For Sheriff, WILL A. WHITE.		For Sheriff, JOHN T. WILSON.								For Sheriff,			

the voting square opposite each name in the party column. In case of a constitutional amendment, or other proposition submitted to the vote of the people, he shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give. All crosses shall be made only with a stamp, which with necessary pads and ink, shall be provided by the officers who by this code are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot and the endorsement on the back shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the inspector who shall announce in an audible tone of voice the name of the voter and the number of his ballot. The ballot clerk having the register in charge, if he finds the number to correspond with the number marked opposite the voter's name on the register, shall, in like manner, repeat the name and number, and shall write opposite the name the word "voted." The inspector shall then separate the slip containing the number from the ballot, and shall deposit the ballot in the box. The numbers of all ballots shall be immediately destroyed.

Crosses shall be made only with a stamp.

Folding and delivery of ballot.

SEC. 3. Section twelve hundred and eleven of the Political Code is hereby amended so as to read as follows:

1211. 1. In canvassing the votes any ballot which is not made as provided in this act shall be void; but each ballot must be preserved and returned with the other ballots; *provided, however*, that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space shall not make such ballot void. Any name written upon a ballot shall be counted for the office under which it is written, provided it is written in the "blank column."

Void ballots.

2. If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

3. If a voter stamps in a circle at the head of one of the party columns, and also stamps in the voting square after the name of any candidate in the same or any other column, or writes the name of a person for such office in the blank column, such act does not invalidate his ballot, but his vote must be counted for the candidate opposite whose name the cross is made, or for the person whose name is so written in the blank column, and as to all other officers, the ballot must be counted as a straight party vote for the candidates for the offices under the circle stamped; where, however, there are two or more persons to be elected to the same office, and the voter places a cross opposite the name of a candidate not in the party column beneath the circle so stamped, or writes a name in the blank column for such office, then the ballot cannot be counted for the candidates

Effect of a cross in both voting square and circle.



for such office designated in the voter's party column, except in favor of those opposite whose names he also stamps a cross.

Distin-  
guishing  
marks.

4. No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot.

Names  
more than  
once on  
ticket.

5. If the name of the same person is printed more than once on a ballot as a candidate for the same office, the placing of a cross opposite such name in more than one of the different places where it is so printed must not be regarded as putting a distinguishing mark on the ballot, and must be counted only as one vote for such person.

SEC. 4. This act shall take effect and be in force from and after July 1st, 1903.

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## CHAPTER CXXXV.

*An act to add a new section to the Political Code to be numbered one thousand and three a, relating to terms of office.*

[Approved March 15, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code to be numbered one thousand and three a, to read as follows:

Term of  
office of  
appointees  
to fill  
vacancies.

1003a. Except in the instances otherwise provided in the constitution, whenever a person has been or shall be appointed by the governor, or by the governor by and with the advice and consent of the senate, to fill a vacancy in any office, or to fill an office when the appointment is not made until after the expiration of the preceding term, the appointee holds office only for the balance of the unexpired term as provided by the law creating the office.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CXXXVI.

*An act making an appropriation to pay the contingent expenses of the senate, thirty-fifth session.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the contingent expenses of the senate, thirty-fifth session.

Appropriation to pay contingent expenses of senate.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXXXVII.

*An act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the surveyor-general's office for the remainder of the fifty-fourth fiscal year.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for postage, expressage, telegraphing, traveling and contingent expenses for the surveyor-general's office for the remainder of the fifty-fourth fiscal year.

Appropriation to pay contingent expenses of surveyor-general's office.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXXXVIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23rd, 1901, by amending section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and ninety-seven of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hun-

dred and ninety-seven, and as amended March twenty-third, nineteen hundred and one, is hereby amended so as to read as follows:

Counties of  
fortieth  
class.

197. In counties of the fortieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Salaries of  
county  
officers.

1. The county clerk, two thousand dollars per annum.  
2. The sheriff, four thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.

3. The recorder, one thousand dollars per annum.

4. The auditor, five hundred dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, four thousand dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now, or may be hereafter allowed by law.

Justices of  
the peace,  
fees of.

13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.

For a trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, only fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name fifty cents; for each additional name twenty-five cents. Counties of  
fortieth  
class.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same, twenty-five cents; for each certificate twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar. Con-  
stables,  
fees of.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail, the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars, for each day of actual attendance upon the court.

For all other services, the same fees as are allowed sheriffs for like services.

Super-  
visors.

15. Each member of the board of supervisors, four hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

## CHAPTER CXXXIX.

*An act to amend an act entitled, "An act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as section 3898a, relating to proceedings for the transfer to the regents of the University of California of certain public lands acquired by tax sales.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code of the State of California, to read as follows:

3898a. Whenever the state has or shall become the owner of any property sold for taxes and the deed to the state has been filed with the controller, upon which property there appears of record a mortgage to the regents of the University of California, and such mortgage and the debt secured thereby have not been both paid in full and satisfied of record, the controller, upon receiving proof, by affidavit of the president and secretary, or acting secretary or of the treasurer of said regents, that the debt secured by said mortgage has not been fully paid, shall direct the tax collector of the county, or city and county, in which such lands are situated, to execute a deed of such lands in the name of the State of California to the regents of the University of California. Said tax collector shall thereupon publish a notice once a week for at least three successive weeks in some newspaper published in the county or city and county in which such lands are situated, or if there be no newspaper published therein, then said tax collector shall post a notice in three conspicuous places in said county, or city and county, at least three weeks before the day to be named in said notice as hereinafter provided. Said notice must state that on or after a day therein mentioned (which day shall be not less than four weeks, and not more than eight weeks after the first publication or posting of said notice,) said tax collector will execute and deliver to the regents of the University of California a deed to the property, and shall describe said property and shall state that said deed will be made because of a sale of said property to the state for delinquent taxes, and because the regents of the University of California is interested in the said property. No other matters need be contained in said notice. One or more pieces of land may be described in the affidavit, notice, deed and

Deeds to state of property sold for taxes, upon which state university holds mortgage; duty of controller and tax collector.

report herein provided for. Unless prior to the day so to be mentioned in such notice, there shall be paid to the said tax collector the full amount for which said property was sold to the state, together with all interest and penalties thereon and all expenses and costs connected therewith, and all subsequent state and county taxes not theretofore paid in full, and all interest and penalties thereon and all costs and expenses connected therewith, and also the expense of publishing or posting said notice, as the case may be, then said tax collector shall on said day, or within ten days thereafter, execute, acknowledge and deliver such deed to said regents without any payment, charge or fee therefor, and shall within five days thereafter report in writing to the controller the fact of the execution of such deed. In the event said notice shall describe two or more pieces of land assessed separately and sold separately to the state, then if all the payments above provided for be made within the time aforesaid in respect to any one of said pieces so separately assessed and sold, (including the entire cost of publishing or posting said notice, as the case may be), such piece so paid upon shall not be included in the deed herein provided for, and the fact of such payment and amount paid shall be stated in the said report to the controller. Such deed shall transfer, grant, convey and confirm to the regents of the University of California the entire title to such lands, free and clear of all claims and incumbrances whatsoever; but nothing herein contained shall be held to interfere with the right of said regents to enforce said mortgage or the payment of the debt secured thereby, or to procure a decree of foreclosure and a sale under such decree of all or any of the property described in such mortgage. Said deed shall recite the facts in this section provided as authorizing its execution and shall be prima facie evidence thereof and of all matters therein recited and of the ownership of said lands by said regents. Said deed may be recorded in the office of the county recorder of the county or city and county in which any such lands are situated; and upon the expiration of two years after it has been so recorded, shall, (except as against parties deriving title through a sale and purchase under decree of foreclosure of such mortgage), be conclusive evidence that the complete fee simple title to the property therein described vested at the date of said deed in the regents of the University of California, free and clear of all claims, liens, charges, and incumbrances whatsoever; *provided, however,* that in any action which may be commenced against said regents before the expiration of said two years to question the title of said regents to said property, said deed shall be prima facie evidence only. The expense of the publication and posting herein provided for shall be paid by the regents of the University of California, unless such expense should be paid to said tax collector prior to the day mentioned in said notice, as hereinabove permitted. While any mortgage to said regents appears of record and not satisfied of record, no sale of any lands therein described shall be made under the provisions of section 3897 of this code. Any moneys which may be paid

Tax collector to execute deed to regents.

Right of regents to enforce mortgage.

Expense of publication.

under the provisions of this section shall be distributed as provided in section 3898 of this code.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CXL.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23, 1901, by adding a new section thereto to be designated as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the act entitled "An act to establish a uniform system of county and township governments," approved the 1st day of April, eighteen hundred and ninety-seven, said section to be designated section one hundred seventy-seven and one half (177½) thereof, and to read as follows:

Counties of  
twentieth  
class;  
salary of  
deputy  
treasurer.

Section 177½. In counties of the twentieth class the treasurer may appoint one deputy, who shall receive from the county a salary of forty dollars (\$40.00) per month, to be paid by such county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer.

SEC. 2. This act shall take effect and be in force from and after its passage.

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## CHAPTER CXLI.

*An act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Ferries  
between  
counties.

SECTION 1. When a navigable river forms a boundary between two counties of this state, the boards of supervisors of such counties are hereby given the power to establish and operate a ferry or ferries across such stream.

SEC. 2. Each of such counties shall pay such proportion of the expenses of establishing and operating said ferry or ferries as may be agreed upon by the boards of supervisors of such counties. Expense of  
operating.

SEC. 3. In case either of said counties shall refuse to enter into an agreement to establish and operate such ferry or ferries, the county situated upon the opposite bank of such river may establish and operate a ferry or ferries across such river, and such county is hereby empowered to acquire landing places for such ferry or ferries on the bank of such river opposite the boundary of such county, and may pay the expense of establishing and operating said ferry or ferries out of the general road fund of such county. Landing  
places.

SEC. 4. This act shall take effect from and after its passage.

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## CHAPTER CXLII.

*An act to amend the Penal Code of California, by adding a new section thereto, to be numbered five hundred thirty-seven and three fourths, relating to misdemeanors.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Penal Code of California to be numbered five hundred thirty-seven and three fourths to read as follows:

537 $\frac{3}{4}$ . Any person who obtains any livery hire or other accommodation at any livery or feed stable, kept for profit, in this state, without paying therefor, with intent to defraud the proprietor or manager thereof; or who obtains credit at any such livery or feed stable by the use of any false pretense; or who after obtaining a horse, vehicle, or other property at such livery or feed stable, willfully or maliciously abuses the same by beating, goading, overdriving or other willful or malicious conduct, or who after obtaining such horse, vehicle, or other property, shall, with intent to defraud the owner, manager or proprietor of such livery or feed stable, keep the same for a longer period, or take the same to a greater distance than contracted for; or allow a feed bill or other charges to accumulate against such property, without paying therefor; or abandon or leave the same, is guilty of a misdemeanor. Defrauding  
owner  
of livery  
stable a  
misdemeanor.



## CHAPTER CXLIII.

*An act to amend sections three, four, and six of an act entitled "An act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the state," which act became a law under the provisions of the constitution, without the governor's approval, March 7, 1901.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of an act entitled, "An act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the state," which act became a law under the provisions of the constitution, without the governor's approval, March 7, 1901, is hereby amended to read as follows:

Fireman  
may retire  
on pension  
after  
twenty  
years'  
service.

Section 3. Whenever any person, at the taking effect of this act, or thereafter, shall have been duly appointed, and shall have served for twenty years, or more, in the aggregate, as a member, in any capacity or rank whatever, of the regularly constituted fire department of any such county, city and county, city or town, which may hereafter be subject to the provisions of this act, said board may if it deem it to be for the good of such fire department or shall, upon the written application of such person, providing he shall have attained the age of sixty years, order and direct that he be retired from further active service in such fire department, and from the date of the making of such order, the service of such person in such fire department shall cease, and such person so retired shall thereafter, during his life, be paid from such fund a monthly pension, equal to one half of the monthly salary attached to the rank which he may have held in said fire department at the date of such retirement; *provided, only*, that if he shall have been promoted within one year prior to the date of such retirement, then he shall receive from such fund a monthly pension equal to one half of the monthly salary he received in the rank held by him next prior to said promotion.

SEC. 2. Section four of said act is hereby amended to read as follows:

Retire-  
ment for  
injury  
received in  
service.

Section 4. Whenever any duly appointed member of the fire department of any such county, city and county, city or town, shall become physically disabled, by reason of any bodily injury received, and in direct consequence of, the performance or discharge of his duty as such member, said board shall, upon his written request, or without such request, if it deem it to be for the good of such fire department, and in furtherance of justice, retire said member from said department, and order and direct that he be paid, from such fund, during such disability, a

monthly pension equal to one half the monthly salary attached to the rank, which he may have held in said fire department at the time of such retirement; *provided*, that whenever such disability shall cease, such pension shall cease, and such person shall be restored to active service in said department with the rank he held at the date of his retirement.

SEC. 3. Section six of the said act is hereby amended to read as follows:

Section 6. Whenever any member of the fire department of such county, city and county, city or town, shall lose his life in, and in direct consequence of, the performance of his duty as such member, or shall die from the effects of bodily injury received, and in direct consequence of the performance of such duty, leaving a widow, or child, or children, under the age of sixteen years, or a mother, or father, wholly dependent upon him for support and maintenance, then, upon satisfactory proof of such facts made to it, such board shall order and direct, that a monthly pension equal to one third the monthly salary attached to the rank which said member held in such fire department at the time of his death, shall be paid to such widow during her life, or, if there be no such widow, then to such child or children until it or they reach the age of sixteen years, and no longer, and if there be no such widow, or children, then to such dependent mother and father, or the survivor of such mother or father; *provided*, that if such widow die leaving surviving her any child or children of said member who are under the age of sixteen years at the time of her death, then said pension shall be paid to such child or children until they arrive at the age of sixteen years, and no longer; *and provided, further*, that if such widow, or such child, or children, shall marry, or such mother or father become capable of self support, then said person so marrying, or such mother or father so becoming capable of self support, shall thereafter receive no further pension from such fund.

Pension to family in case of accidental death.

SEC. 4. This act shall take effect immediately.

## CHAPTER CXLIV.

*An act to amend an act entitled, "An act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as section twenty-five and one half, relating to the powers of boards of supervisors to lay out, establish, improve and maintain public boulevards. To incur a bonded indebtedness for such purposes, and to call a special election for the submission to the electors of the question of incurring such indebtedness.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to an act entitled, "An act to establish a uniform system of county and township governments," approved April 1, 1897, to be designated section twenty-five and one half, and to read as follows:

Public  
boule-  
vards.

Section 25½. The boards of supervisors shall also have jurisdiction and power in their respective counties to acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by subdivision thirteen of section twenty-five of this act. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this act, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXLV.

*An act to amend section fourteen hundred and ninety-two of the Political Code of the State of California, relating to the joint board of normal schools trustees.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fourteen hundred and ninety-two of the Political Code of the State of California is hereby amended to read as follows:

1492. There shall be a joint board of state normal school trustees, to be composed of the governor, the superintendent of public instruction, the presidents of the different state normal schools, the chairman and two other members of each normal school board. The two members besides the chairman of each local board shall be selected by the respective local boards for every joint meeting. Said joint board shall meet on the second Friday of April in each year, alternately at the different state normal schools. The first meeting after the passage of this act shall be at San Diego, the second meeting at San Francisco, the third at San José, the fourth at Chico, and the fifth at Los Angeles. Thereafter the places of meeting shall be in the order mentioned above. Special meetings may be called at any time and at any place by the governor for the transaction of any urgent business affecting the welfare of any or all the state normal schools, when in his judgment it is necessary. The governor shall be ex officio chairman of said joint board of normal school trustees.

Joint board  
of normal  
school  
trustees.

The powers and duties of said joint board of normal schools trustees are as follows:

General  
powers  
and duties.

1. To prescribe and enforce a uniform series of text-books for use in the state normal schools; the state series of text-books shall be used, when published, in the grades and classes for which they are adapted.

2. To prescribe and enforce a uniform course of study, and time and standard for graduation from the state normal schools.

3. To prescribe a uniform standard of admission for students entering the normal schools, and for transfer of pupils from one normal school to another; *provided*, that a student for good cause may, upon recommendation of the president of the school from which he seeks to be transferred, enter any other normal school and without examination be admitted to classes corresponding to those in the school which he has left.

4. To sit as a board of arbitration in matters concerning the management of each state normal school that may need adjustment.

5. The joint board shall also have the power to pass any

general regulations that may be applied to all the state normal schools, thus affecting their well-being.

6. Members in attending the meetings of the joint board shall receive mileage while in actual attendance upon the meeting, the same to be paid out of any appropriation made by the legislature for that purpose.

7. The superintendent of public instruction shall be the secretary of the joint board. The secretary shall keep a full record of all proceedings of the joint meetings of the trustees, and shall notify the secretary of each board of trustees of any changes made in the course of study, or the text-books to be adopted.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CXLVI.

*An act to amend section 1817 of the Political Code, relating to the duties of county superintendents of schools.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and seventeen of the Political Code is hereby amended to read as follows:

County  
school  
fund; esti-  
mate.

1817. The county superintendent of every county having a population of less than three hundred and forty thousand inhabitants must, on or before the first regular meeting of the board of supervisors, in September in each year, furnish the supervisors and the auditor, respectively, an estimate, in writing, of the minimum amount of county school fund needed for the ensuing year. This amount he must compute as follows:

How com-  
puted.

First—He must ascertain, in the manner provided for in subdivisions one and two of section eighteen hundred and fifty-eight, the total number of teachers for the county.

Amount to  
be col-  
lected.

Second—He must calculate the amount required to be raised at five hundred dollars per teacher. From this amount he must deduct the total amount of state apportionment, and the remainder shall be the minimum amount of county school fund needed for the ensuing year; *provided*, that if this amount is less than sufficient to raise a sum equal to six dollars for each census child in the county, then the minimum amount shall be such a sum as will be equal to six dollars for each census child in the county.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CXLVII.

*An act to add a new section to the Penal Code of the State of California, to be numbered 373a, making the continuance of a public nuisance after notice from a health officer or district attorney to remove or abate the same a misdemeanor.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section to be numbered three hundred and seventy-three *a*, is hereby added to the Penal Code of the State of California, to read as follows:

373a. Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a health officer or district attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed.

Public  
nuisance;  
penalty.

Sec. 2. This act shall take effect immediately.

## CHAPTER CXLVIII.

*An act to provide for the change of name of school districts and the manner of making such change.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever a petition shall be presented to the board of supervisors, signed by at least fifteen qualified electors of said district, asking that the name of any school district be changed, the said board of supervisors shall designate a day upon which they will act upon such petition, which day must not be less than ten days nor more than forty days after the receipt thereof. The clerk of the said board of supervisors must give notice to all parties interested, by sending by registered mail to each of the trustees of such school district, a

Change of  
name of  
school dis-  
trict; pro-  
cedure.

notice of the time set for the hearing of said petition, which notice must be mailed at least ten days before the day set for hearing, whereupon the board shall by resolution either grant or deny the petition, and if granted, the clerk shall notify the county superintendent of the change of the name of said district.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXLIX.

*An act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness and to consent to a judgment in favor of the holders of the same.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Election to declare bonded indebtedness due and payable.

Notice of election.

Duty of common council.

SECTION 1. Whenever any incorporated city or town in this state has an outstanding indebtedness evidenced by the bonds thereof the common council, board of trustees or other governing body thereof, shall have the power to submit to the qualified electors of such city or town at any election to be held for that purpose, the question of declaring all or any of such bonds to be at once due and payable, of compromising such bonded indebtedness, of consenting to a judgment in favor of the holders of such bonds, and of providing for the payment of such judgment in installments. Said election shall be called and held in the same manner in which other elections are held in such city or town. The notice of such election shall specify the bonded indebtedness which it is proposed to declare at once due and payable, the terms of the proposed compromise of the same, of the proposed judgment by consent in favor of the holders of such bonds, and the proposed method of paying such judgment in installments. The question shall be voted upon as an entirety. If at such election two thirds of the qualified electors vote in favor of the question submitted, the said common council, board of trustees or other governing body shall, by ordinance, declare the bonds described in said notice of election, to be at once due and payable and thereupon shall be authorized to carry into effect the compromise and to consent to the judgment specified in such notice of election, and to the proposed method of paying the same in installments, and to designate by resolution the officers and attorneys who shall sign the necessary documents, and to provide for the collection of an annual tax, sufficient to pay the interest on such judgment as it falls due, and such a proportion of the principal thereof as is designated in such notice of election.

SEC. 2. No proceeding under section one hereof shall affect the rights of any non-consenting holder of any bond or bonds specified in the notice of election.

Non-consenting bond-holders.

SEC. 3. In any action brought upon any of the bonds described in the notice of election, the judgment of any court of competent jurisdiction in such action, shall be conclusive as to the regularity of all proceedings taken under the provisions of section one of this act.

Regularity of proceedings.

SEC. 4. Whenever any action is brought upon any of the bonds described in the notice of election, the plaintiff shall be required to deposit in the court in which such action is brought, the bonds upon which he sues and when the judgment of such court, rendered in accordance with the terms of the proposed compromise described in such notice of election, becomes final, the bonds sued upon shall be delivered to the treasurer of the city or town against which such judgment is rendered, to be held by him and his successors in office until such judgment shall have been satisfied in full. If for any reason such judgment should be reversed or set aside or any orders or writs thereunder should be disobeyed by the defendant or its officers, it shall be the duty of such treasurer to return such bonds to the plaintiff who thereupon may at his own option be relegated to all the rights which he held and enjoyed under such bonds, crediting, however, on such rights, all amounts already received on such judgment. The performance of the duty imposed herein upon such treasurer may be enforced by the court in which such judgment is rendered.

Judgment of court.

SEC. 5. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 6. This act shall take effect immediately.

## CHAPTER CL.

*An act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure of the State of California, numbered section 1264, to read as follows:

1264. In all actions brought under the provisions of this title, to enforce the right of eminent domain, all courts wherein such actions are or may hereafter be pending, shall give such

Actions in eminent domain to have preference.



actions preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined.

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CHAPTER CLI.

*An act to repeal an act entitled "An act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California, approved February 20, 1901.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Barber act  
repealed.

SECTION 1. An act entitled an act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California, approved February 20, 1901, is hereby repealed.

SEC. 2. This act shall be enforced from and after its passage.

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CHAPTER CLII.

*An act to amend article six of chapter fourteen of title two of part three of the Code of Civil Procedure of the State of California by adding thereto a new section to be numbered eighteen hundred and ten, relating to the sale of real estate by guardians of incompetent persons in certain cases and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to article six of chapter fourteen of title two of part three of the Code of Civil Procedure of the State of California to be numbered eighteen hundred and ten, which shall read as follows:

Guardian  
of incompetent;  
duty concerning  
contract by  
ward.

1810. When a person who is bound by a contract in writing to convey any real estate shall afterwards and before making the conveyance become and be adjudged to be an incompetent person, the court may make a decree authorizing and directing

his guardian to convey such real estate to the person entitled thereto. Such decree may be made under the provisions of sections fifteen hundred and ninety-seven to sixteen hundred and seven, both inclusive, of this code, all of which provisions are hereby incorporated in this section; the word incompetent being substituted for the word deceased or decedent and the word guardian being substituted for the words administrator or executor, respectively, wherever said words occur.

### CHAPTER CLIII.

*An act to amend section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred forty-two of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

542. The sheriff to whom the writ is directed and delivered, must execute the same without delay, and if the undertaking mentioned in section five hundred and forty be not given, as follows:

How real and personal property shall be attached.

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached; and by leaving a similar copy of the writ, description, and notice with an occupant of the property, if there is one; if not, then by posting the same in a conspicuous place on the property attached.

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached; and by leaving with the occupant, if any, and with such other person, or his agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ, with a similar description and notice. If there is no occupant of the property, a copy of the writ, together with such description and notice, must be posted in a conspicuous place upon the property. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands on the records.

3. Personal property, capable of manual delivery, must be attached by taking it into custody.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. Debts and credits and other personal property, not capable of manual delivery, must be attached by leaving with the person owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ, except in the case of attachment of growing crops, a copy of the writ, together with a description of the property attached, and a notice that it is attached, shall be recorded the same as in the attachment of real property.

#### CHAPTER CLIV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments, approved April 1st, 1897, by amending section 161 thereof relating to salaries of county officers of counties of the fourth class.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and sixty-one of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Counties of  
fourth  
class.

Section 161. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Salaries of  
county  
officers.

1. The county clerk, nine thousand dollars per annum.

2. The sheriff, nine thousand five hundred and twenty dollars per annum; *provided*, that he shall receive as additional compensation the mileage collected by him in criminal cases and all expenses incurred in criminal cases, and also his mileage for service of papers or process issued by any court of this state, and all fees for service of papers or process in actions arising outside of his county, and the said sheriff may appoint a matron for the county jail of his county which office of matron for the county jail is hereby created, and who shall receive as compensation the sum of seventy-five dollars per month, pay-

able at the same time, and in the same manner as the salaries of other county officers.

Counties of  
fourth  
class.

3. The recorder, eight thousand dollars per annum; and the said recorder may appoint one chief deputy, which said office of chief deputy recorder is hereby created, who shall hold said office of chief deputy recorder for a period of four years from and after his appointment, and who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

Salaries of  
county  
officers.

4. The auditor, four thousand dollars per annum.

5. The treasurer, four thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum.

7. The license collector, who shall be appointed by the board of supervisors, whose term of office shall be for the period of four years, five per cent upon the whole amount of licenses collected by him.

8. The assessor, eight thousand seven hundred dollars per annum, and the said assessor may appoint one chief deputy assessor, and one draughtsman for the assessor, which said officers of chief deputy assessor and draughtsman for the assessor are hereby created, who shall hold said offices of chief deputy assessor and draughtsman for the assessor, respectively, for the period of four years from and after their several appointments, and who shall receive as compensation the sum of twelve hundred dollars each, per annum, payable at the same time and in the same manner as the salaries of other county officers. And the assessor may also appoint each year two temporary deputies, who shall serve as such during the months of March, April, May, and June, of the year for which they are appointed, which said offices of temporary deputy assessors are hereby created, who shall receive as compensation the sum of eighty dollars each, per month, during the four months which they shall serve as such deputies, payable at the same time and in the same manner as the salaries of other county officers.

9. The district attorney, three thousand two hundred dollars per annum; and the said district attorney may appoint one assistant district attorney and one deputy district attorney, which said offices of assistant district attorney and deputy district attorney are hereby created. The salary of such assistant district attorney is hereby fixed at eighteen hundred dollars per annum, and the salary of such deputy district attorney is hereby fixed at twelve hundred dollars per annum, such salaries to be paid at the same time and in the same manner as the salaries of other county officers.

10. The coroner, such fees as are now or may hereafter be allowed by law.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of

Counties of fourth class. assistant superintendent of schools is hereby created, who shall receive as compensation the sum of nine hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers.

Surveyor. 13. The county surveyor, the sum of two thousand four hundred dollars per annum; and said surveyor may appoint one assistant surveyor, which said office of assistant surveyor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers. All fees now, or which may hereafter be, allowed by law, and which shall be earned by the county surveyor in the official discharge of his duties, shall be paid into the county treasury for the benefit of the county, accompanied with a sworn and itemized statement of such fees earned, on or before the first Monday of each month.

Justices of the peace. 14. In counties of this class, justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as the salaries of county officers are paid, viz.: In townships having a population of twenty thousand or more, one hundred and fifty dollars per month; in townships having a population of four thousand and less than twenty thousand, one hundred and thirty-five dollars per month; in townships having a population of fifteen hundred and less than four thousand, sixty-five dollars per month; in townships having a population of one thousand and less than fifteen hundred, fifty dollars per month; in all townships having a population less than one thousand, thirty dollars per month; *provided*, that in townships having a population of twenty thousand or more, there shall be two justices of the peace in and for any such townships, and such justices shall be allowed a clerk, to be appointed by the board of supervisors at a salary of seventy-five dollars per month, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. All fees collected by justices of the peace in criminal cases, shall be by them monthly paid into the county treasury, accompanied by a sworn and itemized statement showing the amount of such fees, and all fees for civil cases collected by justices of townships with a less population than five thousand inhabitants, shall likewise be paid into the county treasury.

Constables. 15. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as salaries of county officers are paid, viz.: In townships having a population of twenty thousand or more, one hundred dollars per month; in townships having a population of four thousand and less than twenty thousand, seventy-five dollars per month; in townships having a population of fifteen hundred and less than four thousand, sixty dollars per month; in townships having a population of less than fifteen hundred, forty dollars per month. They shall be allowed all necessary expenses incurred in conveying pris-

oners, and such fees as are now or may be hereafter allowed in civil cases excepting constables in townships having a population of less than five thousand inhabitants who shall not receive any fees.

16. Each supervisor, one thousand two hundred dollars per annum, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month; and in counties of this class the members of the board of supervisors shall be ex officio road commissioners, and as such road commissioner shall be paid the sum of five hundred dollars per annum each.

Super-  
visors.

SEC. 2. This act shall take effect immediately.

#### CHAPTER CLV.

*An act to provide for the joint investigation with the federal government of the water resources of the state, and of the best methods of preserving the forests thereof; and making an appropriation for the expenses of such investigations.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The state board of examiners are hereby empowered to enter into contracts with the director of the United States geological survey for the purpose of making topographic maps, to the extent of twenty thousand dollars; also for the purpose of gauging streams, surveying reservoir sites and canal locations, for the conservation and utilization of the flood or storm waters of the state, to the extent of fifteen thousand dollars; *provided*, no work of the nature heretofore stated shall be done where the same will interfere with water already appropriated or in reservoirs or now in use for irrigation or domestic purposes under the laws of this state; also with the chief of the bureau of forestry of the department of agriculture for the purpose of studying the forest resources of the state and their proper conservation, and especially with a view of formulating a proper state forestry policy, to the extent of fifteen thousand dollars; also with the director of the office of experiment stations of the department of agriculture for the purpose of ascertaining the best methods of distributing and using the water, to the extent of ten thousand dollars; *provided, however*, that these expenditures for such purposes shall not be in excess of the amounts to be expended by the various departments of the federal government in collaboration with the spe-

General  
study of  
forest re-  
sources  
and con-  
servation  
of water.

cific work named above; *and provided further*, that in case any of the departments of the federal government above mentioned do not contribute these funds for said coöperation, that the state board of examiners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any of the departments of the federal government for the expenditure of said remaining balance; *and provided further*, that said last mentioned expenditure for such purpose shall not be in excess of the amount to be expended by that department of the federal government in collaboration with the state.

SEC. 2. In order to carry out the purposes of this act, any person or persons employed hereunder are authorized to enter and cross all lands within this state; *provided*, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any of such persons.

Appropriation.

SEC. 3. The sum of sixty thousand dollars is hereby appropriated for the purposes specified in this act, and the controller of state is hereby authorized and directed to draw warrants upon such fund from time to time, upon the requisition of the state board of examiners and the state treasurer is hereby authorized and directed to pay such warrants; *provided*, one half of the appropriation herein shall be available in the fifty-fifth fiscal year, and the remaining one half of said appropriation shall be available in the fifty-sixth fiscal year.

Surveyor-general and board of public works shall assist.

SEC. 4. It is hereby made the duty of the surveyor-general and the engineer of the board of public works to render any assistance desired by the state board of examiners in furtherance of the aims of this act.

SEC. 5. This act shall take effect and be enforced on and after July 1, 1903.

## CHAPTER CLVI.

*An act to amend section 501 of the Civil Code of the State of California, relating to operating cars by street railroad corporations.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five hundred and one of the Civil Code of the State of California, is hereby amended to read as follows:

Rates of fare on street cars.

501. The rates of fare on the cars must not exceed ten cents for one fare for any distance under three miles, and in municipal corporations of the first class must not exceed five cents for each passenger per trip of any distance in one direction either going or coming, along any part of the whole length of

the road or its connections. The cars must be of the most approved construction for the comfort and convenience of passengers, and provided with brakes to stop the same, when required. A violation of the provisions of this section subjects the corporation to a fine of one hundred dollars for each offense. Penalty.

## CHAPTER CLVII.

*An act to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending section 23 thereof.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 23 of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

Section 23. Section one hundred and seventy-six (176) of an act entitled "An act to establish a uniform system of county and township governments," approved April first, one thousand eight hundred and ninety-seven, is hereby amended so as to read as follows:

Section 176. In counties of the nineteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Counties of nineteenth class.

1. The county clerk, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid. Salaries of county officers.

1½. A registration clerk to be appointed by the county clerk and hold office during the pleasure of the county clerk, at a salary of seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers is paid.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases, and also all fees for services of papers in actions arising outside of his county, and the sum of thirty-seven and one half cents per day for feeding each prisoner committed to



Counties of  
nineteenth  
class.

Salaries of  
county  
officers.

his custody; and one deputy sheriff, to act as jailer, who shall be appointed by the sheriff, and be paid a salary of fifty dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, thirty-two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index; the cost thereof shall be a charge against the county and payable out of the general fund.

4. The auditor, two thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum; *provided, however*, that the bond of the treasurer shall be executed with a reliable bond and security company, and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

6. The tax collector, eighteen hundred dollars per annum; and as license collector, ten per cent on all licenses collected.

7. The assessor, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor, to hold office during the months of March, April, May and June in each year, and to be paid a salary of seventy-five dollars per month, during said four months, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, twenty-five hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of  
the peace.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars per month; in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars per month; in townships having a population of twelve hundred and less than two thousand, forty dollars per month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty and less than one thousand, fifteen dollars a month; in townships hav-

ing a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month, all fines collected by him in criminal cases, and the auditor withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as allowed the coroner in similar cases.

Counties of  
nineteenth  
class.

14. Constables shall receive the following salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expense of such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

Con-  
stablers.

15. The population of the several judicial townships for the purpose of fixing the compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred and three, and on the first Monday after the first day of January every succeeding two years thereafter.

Township  
census.

16. Each member of the board of supervisors, nine hundred dollars per annum; and as road commissioner, three hundred dollars per annum.

Super-  
visors.

17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day, three dollars; and for each mile actually traveled, in attending court as a grand juror or juror in a criminal case, in the superior court, in going only, per mile, fifteen cents. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the

Jurors.

amount to which each juror is entitled, and the treasurer shall pay the same.

SEC. 2. This act shall take effect and be in force, from and after its passage.

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### CHAPTER CLVIII.

*An act to amend an act entitled "An act to establish a Civil Code," relating to granting of divorces.*

[Approved March 16, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section sixty-one of the Civil Code is hereby amended so as to read as follows:

Subse-  
quent mar-  
riage,  
when ille-  
gal and  
void.

61. A subsequent marriage contracted by any person during the life of a former husband or wife of such person, with any person other than such former husband or wife, is illegal and void from the beginning, unless:

1. The former marriage has been annulled or dissolved. In no case can a marriage of either of the parties during the life of the other, be valid in this state, if contracted within one year after the entry of an interlocutory decree in a proceeding for divorce.

2. Unless such former husband or wife is absent, and not known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, or is generally reputed or believed by such person to be dead at the time such subsequent marriage was contracted. In either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force immediately upon its passage.

## CHAPTER CLIX.

*An act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general, for the fifty-third fiscal year.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twelve hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general, for the fifty-third fiscal year. Appropriation to pay deficiency for care of state armory.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLX.

*An act to amend section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and twenty-eight of the Code of Civil Procedure of California is hereby amended to read as follows:

328. If a person entitled to commence an action for the recovery of real property, or for the recovery of the possession thereof, or to make any entry or defense founded on the title to real property, or to rents or services out of the same, is, at the time such title first descends or accrues, either : Certain disabilities excluded from time to commence action.

1. Under the age of majority;
2. Insane;
3. Imprisoned on a criminal charge, or in execution upon conviction of a criminal offense, for a term less than life;

The time, not exceeding twenty years, during which such disability continues is not deemed any portion of the time in this chapter limited for the commencement of such action, or

the making of such entry or defense, but such action may be commenced, or entry or defense made, within the period of five years after such disability shall cease, or after the death of the person entitled, who shall die under such disability; but such action shall not be commenced, or entry or defense made, after that period.

SEC. 2. This act shall take effect immediately.

## CHAPTER CLXI.

*An act to provide for the appointment by the supreme court of five commissioners, to be known as commissioners of the supreme court, to appoint a secretary, and a stenographer, and to appropriate money therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

- Supreme court to appoint five commissioners.
- SECTION 1. The supreme court of the State of California shall, immediately upon the expiration of the term of office of the present supreme court commissioners, appoint five persons of legal learning and personal worth as commissioners of said court. It shall be the duty of said commissioners, under such rules and regulations as said court may adopt, to assist in the performance of its duties, and in the disposition of the numerous causes pending in said court undetermined. The said commissioners shall hold office for the term of two years from and after their appointment, during which time they shall not engage in the practice of the law. They shall each receive a salary equal to the salary of a judge of said court, payable at the same time and in the same manner. Before entering upon the discharge of their duties, they shall each take an oath to support the Constitution of the United States and the Constitution of the State of California, and to faithfully discharge the duties of the office of commissioner of the supreme court to the best of their ability. The said court shall have power to remove any and all members of said commission at any time, by an order entered on the minutes of said court, and all vacancies in said commission shall be filled in like manner.
- Term.
- Salary.
- Oath.
- Secretary.
- Salary.
- Stenographer.
- SEC. 2. Upon the appointment of said commissioners, as in this act provided, said court is hereby authorized to appoint a secretary for such commission, who shall hold office during the pleasure of the court, not to exceed the term of said commission, and who shall have a salary of \$200 per month payable at the same time and in the same manner as said commission.
- SEC. 3. The supreme court shall appoint a stenographer for the commission who shall have a salary of one hundred (\$100) dollars per month, payable monthly, and who shall hold

said office during the pleasure of the supreme court, but not to exceed the term of office of said commissioners. Such appointment shall be entered upon the minutes of the court.

SEC. 4. The sum of sixty-eight thousand dollars is hereby appropriated out of any money that is, or may be, in the state treasury not otherwise appropriated, for the purpose of paying the salary of said commission and secretary and stenographer for the remainder of the fifty-fourth fiscal year and for the fifty-fifth and fifty-sixth fiscal years; and the controller is hereby authorized to draw monthly warrants upon the state treasury in favor of said commissioners in the sum of five hundred dollars for each of said commissioners, and in the sum of two hundred dollars for said secretary and one hundred dollars for said stenographer.

SEC. 5. This act shall take effect from and after its passage.

## CHAPTER CLXII.

*An act to amend section one hundred and fifty-nine of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and fifty-nine of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

Section 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks and deputies, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; two registry clerks, at a salary of one hundred and twenty-five dollars each per month; one clerk of the board of supervisors, at a salary of one hundred and twenty-five dollars per month, and six court-room clerks, at a salary of one hundred and fifteen dollars each per month; one recording clerk, one file

Counties of clerk, one index clerk, one clerk in charge of criminal records; second class. two miscellaneous clerks and one assistant clerk of the board of supervisors, at a salary of one hundred dollars each per month; four clerks at a salary of ninety dollars each per month; one deputy, at a salary of twenty-five dollars per month; six clerks, at a salary of seventy dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county clerk is paid.

Sheriff. 2. The sheriff, four thousand dollars per annum; *provided*, that in the counties of this class there shall be and there is hereby allowed to the sheriff an undersheriff and the following deputies and stenographers, who shall be appointed by the sheriff of said county, and shall be paid salaries as follows: One undersheriff, at a salary of one hundred and thirty-five dollars per month; one bookkeeper, at a salary of one hundred and twenty-five dollars per month; ten deputies, at a salary of one hundred dollars each per month; six court deputies, at a salary of ninety dollars each per month; four jail deputies, at a salary of seventy dollars each per month; and one deputy, at a salary of eighty dollars per month; one jail matron, at a salary of fifty dollars per month; one stenographer, at a salary of seventy-five dollars per month. The salaries of the undersheriff, and all deputies and stenographers herein provided for, shall be paid by said county in monthly installments, at the same time, and in the manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

Recorder. 3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; two deputies at a salary of one hundred dollars each per month; four deputies, at a salary of ninety dollars each per month; six deputies, at a salary of eighty dollars each per month; two deputies, at a salary of eighty dollars each per month, not to exceed six months in any one year; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument and notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists, herein provided for, shall be paid by said county in monthly installments, at the

same time, and in the same manner, and out of the same fund as the salary of the county recorder is paid. Counties of  
second  
class.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the auditor the following deputies and clerks, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of one hundred and ten dollars each per month; four deputies, at a salary of ninety dollars each per month; and forty clerks, at a salary of seventy-five dollars each per month, not to exceed one month each in any one year, and such additional assistants as the auditor may require, and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred and fifty dollars in any one year. The salaries of the chief deputy, deputies, and clerks herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same funds as the salary of the auditor. Auditor.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, who shall be appointed by the treasurer, and shall be paid a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred and fifteen dollars per month, and one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer. Treasurer.

6. The tax collector, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies and clerks, who shall be appointed by the tax collector, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; one report clerk, at a salary of one hundred and ten dollars per month; one cashier, one report clerk, one deputy, at a salary of one hundred dollars each per month; one corresponding clerk, at a salary of one hundred dollars per month; one license clerk, at a salary of ninety dollars per month, and two license inspectors, at a salary of eighty dollars each per month; five clerks, at a salary of eighty dollars each per month; one clerk, at a salary of ninety dollars per month, not to exceed four months in any one year; thirty-two clerks, at a salary of seventy-five dollars each per month, not to exceed four months each in any one year. There is also allowed not to exceed four hundred dollars for traveling expenses for the license tax collector each year. The salaries of the chief deputy and all clerks and deputies herein provided for shall be paid by said county in monthly installments, at the same time, and in the Tax col-  
lector.



Counties of same manner, and out of the same fund as the salary of the second class. tax collector.

District attorney.

7. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies and employes, who shall be appointed by the district attorney of said county, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; six deputies, at a salary of one hundred and fifty dollars each per month; one stenographer, at a salary of one hundred dollars per month; and one detective, at a salary of one hundred dollars per month, who shall assist the district attorney in the detection of crime and the prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the deputies, stenographer, special counsel and detective herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

Assessor.

8. The assessor, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies and clerks who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy at one hundred and thirty-five dollars per month; two deputies at a salary of one hundred and fifteen dollars each per month; seven clerks at a salary of ninety dollars each per month; twenty field deputies for not exceeding one month in any one year at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding three months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; nine deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; five copyists for not to exceed two months in any one year, at a salary of sixty dollars each per month; fifteen copyists for not to exceed three months in any one year, at a salary of sixty dollars each per month; one stenographer at a salary of seventy-five dollars per month. The salaries of the deputies, stenographer, clerks and copyists herein provided for shall be paid by said county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid. It is hereby further provided, that in counties of this class, the assessors shall receive no commission for his collec-

tion of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however,* that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

Counties of  
second  
class.

9. The coroner, three thousand dollars per year and his actual necessary expenses in traveling outside of the county seat. He must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code, except that he may in his discretion dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner, in counties of this class shall be and is hereby allowed the following assistants: One stenographer, at a salary of two hundred dollars per month, who shall, when directed by the coroner take down in shorthand the testimony of witnesses at inquests, and under the direction of the coroner transcribe the same into longhand, and file a certified copy thereof with the county clerk, and the coroner may also appoint such stenographer as his deputy; one clerk at a salary of eighty dollars per month, who shall also act as messenger, and perform such other duties as the coroner may direct. The salaries of the stenographer and clerk herein provided shall be paid by the county in the same manner, and at the same time and out of the same fund as the coroner.

Coroner.

10. The public administrator, three thousand dollars per annum; *provided,* that in counties of this class there shall be and there is hereby allowed the public administrator one clerk, at a salary of eighty dollars per month, and the salary of said clerk shall be paid by the county in the same manner and at the same time, and out of the same fund as the salary of the public administrator.

Public ad-  
ministra-  
tor.

11. The superintendent of schools, three thousand dollars per annum, which shall be in full for all services, including attendance upon the board of education, and actual necessary traveling expenses not to exceed five dollars each for every school district in the county; *provided,* that in counties of this class, there shall be, and there hereby is allowed to the superintendent of schools one assistant, who shall be the chief deputy, one clerk and two deputies, who shall be appointed by the superintendent of schools of said county, and shall be paid salaries as follows: One assistant, at a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred dollars per month; one deputy at a salary of

Superin-  
tendent of  
schools.

Counties of second class. ninety dollars per month; one clerk at a salary of seventy-five dollars per month. The salaries of the assistant clerks and deputies herein provided for shall be paid by the county in the same manner, and at the same time, and out of the same fund, as the superintendent of schools is paid.

Health officer. 12. The health officer, one thousand two hundred dollars per annum, and special health officers, when appointed as in this act provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salary of the health officer and special health officers shall be paid by the county in the same manner and at the same time, as other county officers are paid.

Board of education. 12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

Surveyor. 13. The surveyor, thirty-six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy and nine draftsmen, who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; three draftsmen at a salary of one hundred and twenty-five dollars each per month; three draftsmen at a salary of one hundred dollars each per month; three draftsmen at a salary of seventy-five dollars each per month. The salaries of said surveyor and said chief deputy and draftsmen herein provided for shall be paid by said county in monthly installments at the same time and in the same manner as the deputies of other county officers are paid.

Super-  
visors. 14. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate five hundred dollars each per annum. They shall also receive their necessary expenses when attending meetings at the state board of equalization.

Justices of the peace. 15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California

are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof, as aforesaid shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the proceeding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board, with their said report; *provided further*, that the boards of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's court; and *provided further*, that the boards of supervisors in said counties and in townships having more than thirty-five thousand inhabitants, shall, upon the recommendation of the township justice or justices, appoint a clerk for the justice's court, which clerk shall hold office for the term of two years from and after his appointment, and shall receive a salary of one hundred dollars per month, payable in like manner, at like times and out of the same fund as county officers are paid by the county; said clerk shall take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerk shall perform such other clerical service as may be required of him by the justice or justices.

Counties of  
second  
class.

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month, for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided further*, that the constable shall be allowed the actual fare and expenses incurred in transporting prisoners to the county jail; and *provided further*, that in counties of this class and in townships having more than thirty-five thousand inhabitants, they shall be, and there is hereby allowed to such constable one deputy who shall be appointed by the constable, and shall receive a salary of seventy-five dollars per month, payable in like manner and

Con-  
stables.

Counties of second class. at like times, and out of the same fund as the county officers are paid by the county; said deputy shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors at such county the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be made parties, during the preceding month, and shall, on said date deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on the account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report.

SEC. 2. This act shall take effect and be in force immediately as to the compensation of all the foregoing officers, and as to all other matters herein.

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### CHAPTER CLXIII.

*An act to add a new section to the Political Code, to be numbered 751½, authorizing the clerk of the supreme court to employ a stenographer, and fixing the compensation of such stenographer.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added a new section to the Political Code, to be numbered seven hundred and fifty-one and one half, to read as follows:

751½. The clerk of the supreme court is hereby authorized to employ a stenographer, whose salary shall be one thousand (\$1,000.00) dollars annually and be payable at the same time and in the same manner as other state officers are paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Stenographer for clerk of supreme court.

## CHAPTER CLXIV.

*An act making an appropriation for furnishing the modern hospital building for the Veterans' Home, located at Yountville, Napa county, State of California, now in course of construction.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for furnishing the modern hospital now in course of construction for the Veterans' Home at Yountville, Napa county, California.

Appropriation for furnishing hospital at Veterans' Home.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect from and after January first, 1904.

## CHAPTER CLXV.

*An act to amend sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1036 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1036. When the plaintiff in an action or special proceeding resides out of the state, or is a foreign corporation, security for the costs and charges, which may be awarded against such plaintiff, may be required by the defendant. When required, all proceedings in the action or special proceeding must be stayed until an undertaking, executed by two or more persons, is filed with the clerk, to the effect that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action or special proceeding, not exceeding the sum of three hundred dollars. A new or an additional undertaking may be ordered by the court or judge, upon proof that the original undertaking is insufficient security, and proceedings in the action or special

Non-resident plaintiff may be required to give security for costs.

proceeding stayed until such new or additional undertaking is executed and filed.

SEC. 2. Section 1037 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Action  
may be dis-  
missed if  
security is  
not given.

1037. After the lapse of thirty days from the service of notice that security is required, or of an order for new or additional security, upon proof thereof, and that no undertaking as required has been filed, the court or judge may order the action or special proceeding to be dismissed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLXVI.

*An act making an appropriation for the California Polytechnic School.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for construction, California Polytechnic School.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eighteen thousand (\$18,000) dollars, to be used in the construction and furnishing of the buildings and the maintenance of the California Polytechnic School.

SEC. 2. The controller is hereby authorized to draw warrants from time to time, as the work shall progress, in favor of the board of trustees of said California Polytechnic School upon its requisition for the same, and the treasurer is hereby directed to pay the same; *provided*, that not more than one half of said amount shall be available before the first day of July, nineteen hundred and three.

SEC. 3. The moneys hereby appropriated shall be expended under the direction of the said board of trustees, but all requisitions shall be audited and allowed by the state board of examiners before payment.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CLXVII.

*An act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of thirteen thousand (\$13,000) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to be paid to the order of the board of trustees of the California Polytechnic School as follows to wit:

For the purchase and installation of a power, heating and lighting plant five thousand (\$5,000) dollars.

For the erection of barns, shops and outbuildings eight thousand (\$8,000) dollars. All bills for materials, machinery or in payment, in whole or in part, of any contract, shall be audited by the board of trustees of said school and approved by the state board of examiners before being paid.

SEC. 2. The controller is hereby authorized to draw warrants from time to time in favor of said board of trustees upon its requisition for the same, and the treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force on and after January 1, 1904.

Appropriation for improvements, California Polytechnic School.

## CHAPTER CLXVIII.

*An act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of managers of the Agnews State Hospital is hereby authorized and directed to make necessary repairs and improvements to the plumbing and sewer system at the Agnews State Hospital.

Appropriation for plumbing, Agnews State Hospital.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of eight thousand (\$8,000) dollars for making said repairs and improvements.

SEC. 3. The state controller is hereby authorized and directed to draw his warrants for the sum hereby appropriated and made payable in favor of the board of managers of the Agnews State Hospital.



SEC. 4. This act shall take effect immediately; *provided*, the appropriation herein made shall not be available until January first, nineteen hundred and four.

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### CHAPTER CLXIX.

*An act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for repairs to buildings, Agnews State Hospital.

SECTION 1. The board of managers of the Agnews State Hospital is hereby authorized and directed to make necessary repairs and improvements to the buildings and furnishings of the Agnews State Hospital.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of four thousand (\$4,000.00) dollars for making said repairs and improvements.

SEC. 3. The state controller is hereby authorized and directed to draw his warrant for the sum hereby appropriated and made payable in favor of the board of managers of the Agnews State Hospital.

SEC. 4. This act shall take effect immediately; *provided*, the appropriation herein made shall not be available until January first, nineteen hundred and four.

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### CHAPTER CLXX.

*An act making an appropriation for the purchase and installation of new engines, boilers, and dynamos and the construction of a new power house at the Veterans' Home, located at Yountville, Napa county, State of California.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for new engines, etc., Veterans' Home.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the purchase and installation of new engines, boilers, and dynamos and the construction of a new power house at the Veterans' Home, located at Yountville, Napa county, State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect from and after January first, 1904.

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### CHAPTER CLXXI.

*An act making an appropriation of six thousand dollars to be used by the board of trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of trustees of the Whittier State School, at Whittier, California, to be by them expended for the purpose of drilling a well on the grounds of said school to supply it with water, and to purchase well casing, water pipe, a pump or pumps, and the necessary machinery to operate said pump or pumps.

Appropriation for well, etc., Whittier State School.

SEC. 2. The state comptroller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

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### CHAPTER CLXXII.

*An act to amend section 800 of the Political Code, relating to the qualification of notaries public.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eight hundred of the Political Code is hereby amended to read as follows:

800. Each notary must file his official bond, and take, subscribe, and file his oath of office in the office of the county clerk within twenty days from the date of his commission, and must transmit a certificate of the facts, under the hand and

Time for filing notarial bond.

seal of the county clerk, together with a copy of his official oath, signed by him with his own proper signature, to the office of the secretary of state, to be filed therein within thirty days from the date of his commission.

SEC. 2. This act shall take effect immediately.

### CHAPTER CLXXIII.

*An act amending section 1874 of the Political Code, providing for the appointment of a standing committee of the state board of education on school text-books; authorizing said committee subject to approval of the state board of education to revise, compile, and manufacture school text-books; prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of state school text-books; granting powers, subject to the approval of the state board of education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the state series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the superintendent of public instruction upon the publication or revision and adoption of a book or a number of books of the state series; providing that the superintendent of state printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the state school book fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of state school text-books.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and seventy-four of the Political Code is hereby amended to read as follows:

Standing  
committee  
on school  
text-books.

1874. 1. In compiling or causing to be compiled and adopted a uniform series of school text-books for use in the common schools of the state, as required by section seven (7) of article nine (9) of the state constitution, the state board of

education shall, within thirty days after the passage of this act, meet and appoint three members of said board, to wit, the governor, the superintendent of public instruction and one other member of said state board of education as a standing committee on school text-books. The said committee shall be designated and known as the state text-book committee, and shall immediately organize and enter upon the discharge of its duties, and shall have power, subject to the approval of the state board of education, to revise in whole or in part and to manufacture such text-books as are now in use; to compile or cause to be compiled under its direction, and to manufacture such other or additional text-book or books as it may deem necessary or proper for use in the primary and grammar schools (the common schools) of the state; to purchase or hire plates, maps, and engravings of copyright matter; to contract for, or lease copyrights, for the purpose of being used in compiling, printing and publishing such books; to provide for the payment of royalties or for the leasing of plates for the making of the whole or any part of a book or books, and to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform series of text-books for use in all the primary and grammar schools of the State of California. Said committee shall have power, subject to the approval of the state board of education, to prescribe and enforce the use of a uniform series of text-books, and to adopt a list of books for supplementary use from which county and city and county boards of education shall select and adopt books for supplementary use in primary and grammar schools in their respective counties and cities and counties, as required by section seventeen hundred and twelve of the Political Code. As soon as any text-book shall have been compiled, printed, adopted, and is ready for distribution, it shall be the duty of every county and city and county superintendent of schools in the state to order a sufficient number thereof to give at least one copy of every such book to every public school district library in the county or city and county in which he is superintendent, and payment therefor shall be made by him by drawing his requisition without the order of the board of school trustees against the library funds of the respective districts in his county or city and county for the cost and remitting the same to the official who has charge of the sale of state school text-books. In cities where the city school superintendent or city board of education is accustomed to draw requisitions upon the library funds, it is hereby made the duty of such superintendents or boards of education to order and pay for copies of books of the state series for their school libraries as hereby provided in lieu of the county superintendents.

Powers.

Duty of county superintendents of schools.

2. Instruction shall be given in the following subjects in the primary and grammar schools of the state in the several grades in which they may be required, viz.: Reading, writing, orthography, language lessons, and English grammar, arithmetic, geography, history of the United States, elements of physiology and hygiene, vocal music, elementary bookkeeping, drawing,

Instruction, subjects of.

nature study, and civil government; and it shall be the duty of the said text-book committee to revise such of the books of the present state series or publish such new ones in any of the above-mentioned subjects as may be necessary for the proper study and teaching of them, and for the purposes of compilation and publication may make use of any copyright matter deemed suitable, and may purchase or hire plates, maps, or engravings of such copyright matter, may contract and arrange for the payment of royalties, and shall designate such book or books, when published, as belonging to and forming a part of the state series of school text-books, subject to the approval of the state board of education.

Secretary. 3. The said text-book committee shall elect a secretary, who shall be a person of recognized educational ability and experience, who shall be provided with an office at the state capitol in Sacramento in connection with that of the superintendent of public instruction, and who shall keep the books, accounts, and all records of the said committee and perform such other duties as may from time to time be required of said secretary by said committee. Said secretary shall hold office at the pleasure of the committee and shall receive a salary of one hundred and sixty-five dollars per month, payable monthly in the same manner and from the same fund as the salaries of state officers are paid.

Salary.

Committee may secure copyrights.

4. The said text-book committee may secure copyrights, in the name of the people of the State of California, to any book that may be compiled under this act, and whenever any one or more of the state school text-books shall have been compiled, published, and adopted, the superintendent of public instruction shall issue an order to all county and city and county boards of education by sending notice by registered mail to the secretaries of all such boards requiring the uniform use of said book or books in all the primary and grammar schools of this state, and when said order shall have thus been given and published, the same shall remain in force and effect for a term of not less than four nor more than eight years; *provided*, that said order for the uniform use of said book or books shall not take effect until the expiration of at least one year from the time of the completion, purchase, or the leasing of the electrotype plates of said book or books; but nothing in this act shall be construed to prevent any county, city, or city and county from adopting any one or more of the state series of school text-books whenever said book or books shall have been published and is ready for distribution; *provided, further*, that whenever any plates, maps, or engravings of any publisher or author are adopted for use as hereinbefore provided, the state text-book committee shall enter into a contract for not less than four nor more than eight years for the use of the same, and shall require a good and sufficient bond of the owner of such plates, maps or engravings, guaranteeing that the same shall be kept revised and up to date as may be required by the state board of education.

Books adopted to remain in force four years.

5. Any county, city and county, city or school district that refuses or neglects to use the state series of school text-books in the grades and in the subjects for which they are intended and at the time as required in the foregoing subdivisions of this act must, upon satisfactory proof of such refusal or neglect, have the state money to which it is otherwise entitled, withheld from it by the superintendent of public instruction.

Penalty for refusal to use state series.

6. The superintendent of state printing shall have the supervision of all mechanical work connected with the printing and publishing of such books as may be compiled and adopted by said text-book committee and approved by the state board of education, and all such printing and binding shall be done in the state printing office. The superintendent of state printing shall annually on the first day of July, and oftener, if requested, submit to the said text-book committee a detailed statement showing the number and name of books of the state series published by him during each year.

Superintendent of state printing, duties of.

7. Whenever any book authorized to be published under this act is ready for sale or delivery to pupils, the state printer shall submit to the said state text-book committee, and it in turn to the state board of education, an itemized statement, showing the exact cost of the material, printing, binding, and finishing of such book in editions of five thousand or more, and the state board of education shall thereupon determine and fix the price of such book as required by law, by adding to the cost of manufacturing, the price contracted to be paid as royalty, or for the use of the plates, maps or engravings of the copyright matter therein contained, and said price shall be deemed to be the whole cost of publication of such book at Sacramento. The amount fixed for royalty or cost of plates of copyright matter shall, as the books are sold, be kept separate from other proceeds from the sale of state school text-books, and deposited in the state treasury to the credit of a fund to be designated and known as the "text-book royalty fund," the same to be paid out quarterly or semi-annually, as may be agreed between the owners of copyright matter and said text-book committee, on the order of the said state text-book committee, in payment of royalties or hire of plates, maps or engravings of copyright matter in the same manner as other claims upon the state treasurer are paid.

Prices of books to be fixed.

Royalty fund.

8. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Said appropriation, which shall be known as the "text-book appropriation," shall be subject to the drafts of the said text-book committee for all the expenses incurred by it, except the salary of the secretary, which is otherwise provided for in this act; *provided*, that all claims shall be presented to the state board of examiners for their approval; said appropriation shall be subject to the drafts of the said committee for all moneys needed for the payment of royalties, for the purchase or hire of such plates, maps, or engravings

Appropriation.

School  
book fund.

that may be necessary but which cannot be arranged to be paid for as provided in subdivision seventh hereof, for expert opinions as provided for in subdivision nine of this act, for printing, stationery, postage, and expressage that will be required by said committee, and for manufacturing any edition of any book of the state series now in use or which may hereafter be adopted for use in the primary and grammar schools. It is provided that all moneys that have been received or that may hereafter be received from the sales of state series of school text-books, except that which is received in payment of royalties and provided in this act to be deposited to the credit of the text-book royalty fund, shall be kept by the state treasurer as a separate and distinct fund, to be known as the "state school book fund," which fund shall be subject to the drafts of the said text-book committee for all expenses incurred by the superintendent of state printing for all material, labor, and other expenses necessary in the mechanical work of printing and publishing state school text-books; all claims to be drawn after being certified to by the superintendent of state printing, as provided in subdivision four of section five hundred and twenty-six of the Political Code; *provided*, that all demands on the state school book fund shall be presented to the state board of examiners in itemized form for their approval; and upon the approval of the state board of examiners, the state controller is hereby authorized and directed to draw his warrant, and the state treasurer is hereby authorized and directed to pay the same, in conformity with the provision of this section.

Experts to  
pass on  
merits of  
books.

9. Before selecting any text-book matter to be used in the compilation or revision of a state school text-book, the said committee may, subject to the approval of the state board of education, secure one or more educational experts to examine and give their opinions on the merits of any book or books or parts of a book that may be taken under consideration, and the claims for payment of such expert service shall be paid in like manner as other claims are paid out of the state text-book appropriation; *provided*, that the expense of such expert examination and opinion shall not exceed the sum of two hundred dollars (\$200.00) for any one book that may be adopted and published as a book of the state series.

Existing  
law con-  
tinued in  
force.

10. The existing law which provides the manner and the means for the distribution of state school text-books is hereby continued in force and effect.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLXXIV.

*An act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of eight thousand dollars (\$8,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, one half of said sum to be paid to the board of trustees of the Whittier State School on July 1st, 1903, and the remainder of said sum to be paid to said trustees on July 1st, 1904, to be by them expended for the purpose of completing the building of the carpenter, blacksmith, and plumbing shops of said school, and equipping them with necessary machinery and tools.

Appropriation for completion of shops, Whittier State School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of said board of trustees, for the amount herein made payable, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLXXV.

*An act appropriating money for the purchase of bedding, furniture and carpets for the use of the Preston School of Industry.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three thousand and five hundred dollars, to be used by the trustees of the Preston School of Industry, for the purchase of bedding, furniture, and carpets for the use of said school.

Appropriation for purchase of furniture, Preston School of Industry.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect immediately.



## CHAPTER CLXXVI.

*An act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for additional buildings, Home for Feeble-Minded Children.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and for equipping and furnishing the same.

SEC. 2. Not more than six thousand five hundred dollars of the sum herein appropriated shall be expended for the erection of an hospital building.

SEC. 3. Not more than three thousand five hundred dollars of the sum herein appropriated shall be expended on the equipment, furniture and furnishings of the aforesaid hospital building.

SEC. 4. Not more than eight thousand five hundred dollars of the sum herein appropriated shall be expended for the erection of three cottages for cripples and paralytics.

SEC. 5. Not more than one thousand five hundred dollars of the sum herein appropriated shall be expended in the equipment, furniture and furnishings of the aforesaid three cottages for cripples and paralytics.

SEC. 6. The controller of state is hereby authorized to draw his warrant for the sum or sums herein appropriated, in favor of the board of trustees of said home, and the treasurer of state is hereby directed to pay the same.

SEC. 7. This act shall take effect July 1st, 1904.

## CHAPTER CLXXVII.

*An act appropriating money for the purchase of books for the library of the Preston School of Industry.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for purchase of books, Preston School of Industry.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five hundred dollars, to be used by the trustees of the Preston

School of Industry for the purchase of books for the library of said school.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of said board of trustees of the Preston School of Industry, for the amount of money appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

SEC. 3. This act shall take effect from and after its passage.

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## CHAPTER CLXXVIII.

*An act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of sixteen thousand five hundred dollars, or so much thereof as may be necessary for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, to consist of an additional electric lighting plant, the installation of a steam heating and ventilating system, and power plant.

Appropriation for improvements at Home for Feeble-Minded Children.

SEC. 2. Not more than two thousand five hundred dollars of the sum herein appropriated shall be expended on the erection of a suitable building for the proper housing of the said additional electric lighting, steam heating and power apparatus.

SEC. 3. Not more than four thousand dollars of the sum herein appropriated shall be expended for additional electric apparatus, electric fixtures, and connections.

SEC. 4. Not more than ten thousand dollars of the sum herein appropriated shall be expended on apparatus for the generation of steam and for steam heating fixtures and connections and ventilating system.

SEC. 5. The controller of state is hereby authorized to draw his warrant for the sum or sums herein appropriated in favor of the board of trustees of said home, and the treasurer of state is hereby directed to pay the same.

SEC. 6. This act shall take effect January first, 1904.

## CHAPTER CLXXIX.

*An act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for baths, etc., at Home for Feeble-Minded Children.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of six thousand five hundred dollars, or as much thereof as may be necessary for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, to consist of additional lavatories and baths, the installation and equipment of food elevators, and for the purchase of additional laundry machinery and laundry apparatus.

SEC. 2. Not more than four thousand five hundred dollars of the sum herein appropriated shall be expended for the erection and equipment of additional lavatories and baths, and the purchase of additional apparatus, fixtures and piping necessary therefor.

SEC. 3. Not more than one thousand dollars of the money herein appropriated shall be expended on the installation and equipment of food elevators.

SEC. 4. Not more than one thousand dollars of the money herein appropriated shall be expended on laundry machinery, laundry apparatus, and the providing of laundry facilities.

SEC. 5. The controller of the state is hereby authorized to draw his warrant for the sum or sums herein appropriated in favor of the board of trustees of said home, and the treasurer of state is hereby directed to pay the same.

SEC. 6. This act shall take effect immediately.

## CHAPTER CLXXX.

*An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April first, eighteen hundred and ninety-seven, and amended March 23, 1901, by amending section 192 thereof relating to the compensation of officers of counties of the thirty-fifth class.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and ninety-two of an act entitled "An act to establish a uniform system of county and

township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

192. In counties of the thirty-fifth class, the county officers shall receive, as compensation for the service required of them by law or by virtue of their office, the following salaries, to wit:

Counties of  
thirty-fifth  
class.

1. The county clerk, one thousand five hundred dollars per annum.

Salaries of  
county  
officers.

2. The sheriff, four thousand two hundred and fifty dollars per annum; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all service of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand eight hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, five hundred dollars per annum; *provided*, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.

7. The assessor, one thousand eight hundred dollars per annum, and one deputy not to exceed five dollars per day for not more than one hundred and twenty-five days in any year, and one field deputy not to exceed five dollars per day, for not more than one hundred and twenty-five days in any one year to be paid out of the county treasury.

8. The district attorney, one thousand eight hundred dollars per annum; *provided*, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. And if the board of supervisors provide that he shall not engage in teaching, then he shall receive one thousand two hundred dollars per annum, and traveling expenses, not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. In counties of this class the township officers, shall receive the following compensation, to wit:

Township  
officers  
salaries of.

In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of forty

Counties of  
thirty-fifth  
class.

dollars per month, and constables a monthly salary of sixty dollars per month.

In townships having a population of more than twenty-two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of fifty-five dollars per month.

In townships having a population of more than eighteen hundred and less than twenty-two hundred, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of fifty dollars per month.

In townships having a population of more than fourteen hundred and not less than eighteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty-five dollars per month.

In townships having a population of less than fourteen hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month, and constables a monthly salary of forty dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such transportation; *and, provided further*, that for the purpose of this act, the population of the several townships, shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

Super-  
visors.

14. Each supervisor, four hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session; and, unless otherwise provided by law, when serving as road commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such road commissioner.

15. All acts or parts of acts in conflict with this act are hereby repealed.

16. This act shall take effect on and after its passage.

## CHAPTER CLXXXI.

*An act to amend an act entitled "An act to establish a Code of Civil Procedure" approved March 11, 1872, by amending section three hundred and eighty-three thereof relating to the joinder of parties in civil actions.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 383 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

383. Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, and sureties on the same or separate instruments, may all or any of them be included in the same action, at the option of the plaintiff; and all or any of them join as plaintiffs in the same action, concerning or affecting the obligation or instrument upon which they are severally liable. Where the same person is insured by two or more insurers separately in respect to the same subject and interest, such person, or the payee under the policies, or the assignee of the cause of action, or other successor in interest of such assured or payee, may join all or any of such insurers in a single action for the recovery of a loss under the several policies, and in case of judgment a several judgment must be rendered against each of such insurers according as his liability shall appear.

Persons severally liable as sureties may join as plaintiffs in action affecting obligation.

## CHAPTER CLXXXII.

*An act to amend the Code of Civil Procedure of California by adding a new section thereto to be known as section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant can not be found, declaring when such claims shall escheat to the state, and defining the duties of the county treasurer, state controller and state treasurer in relation thereto.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California to be known as section 1514 and to read as follows:

1514. Whenever any claim has been presented to an executor or administrator, and to the court, and has been

Manner of closing estates when claims are unpaid and claimant can not be found.

allowed and approved, but the same shall not have been paid, and the estate is in all other respects ready to be closed, if it be made to appear to the satisfaction of the court or judge, by affidavit, or by testimony taken in open court, that the same can not be, and has not been, paid because the claimant can not be found, the court or judge shall make an order fixing the amount of said claim, with interest, if any, and directing the executor or administrator to deposit the amount with the county treasurer of the county in which the estate is being probated, who shall give a receipt for the same, and who shall be liable upon his official bond therefor. Such executor or administrator shall at once make the deposit in accordance with such order of court and shall forthwith proceed to close up and settle such estate. Upon the final settlement of his accounts, the receipt of such treasurer shall be received as a proper voucher for the payment of such claim, and shall have the same force and effect as if executed by such claimant. When the amount so deposited is not claimed within five years the court or judge, upon such showing by the affidavit of the county treasurer, must direct the same to be deposited in the state treasury for the benefit of such claimant, or his legal representative, to be paid to him, whenever, within five years after such deposit, proof to the satisfaction of the state controller and state treasurer is produced that he is entitled thereto. When so claimed, the evidence and the joint order of the controller and treasurer must be filed by the treasurer as his voucher, and the amount of the claim paid to the claimant, or his legal representative, on filing the proper receipt. If no one claims the amount, as herein provided, the claim devolves and escheats to people of the State of California and shall be placed by the state treasurer to the credit of the school fund. This section shall be applicable to any and all estates now pending in which a decree of final discharge has not been granted.

Deposit in  
state  
treasury.

When  
amount of  
claim  
escheats to  
state.

SEC. 2. This act shall take effect immediately.

## CHAPTER CLXXXIII.

*An act to amend section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand seven hundred and forty-seven of the Code of Civil Procedure of the State of California, is hereby amended to read as follows:

Superior  
court may  
appoint  
guardians;  
on what  
petition.

1747. The superior court of each county, when it appears necessary or convenient, may appoint guardians for the persons and estates, or either of them, of minors who have no

guardian legally appointed by will or deed, and who are inhabitants or residents of the county, or who reside without the state and have estate within the county. Such appointment may be made on the petition of a relative or other person on behalf of the minor, or on the petition of the minor, if fourteen years of age. Before making such appointment, the court must cause such notice as such court deems reasonable to be given to any person having the care of such minor, and to such relatives of the minor residing in the county as the court may deem proper. In all such proceedings, when it appears to the satisfaction of the court, either from a verified petition, or from affidavits, that the welfare of the minor will be imperiled if such minor is allowed to remain in the custody of the person then having the care of such minor, the court may make an order providing for the temporary custody of such minor until a hearing can be had on such petition; and when it appears to the court that there is reason to believe that such minor will be carried out of the jurisdiction of the court before which the application is made, or will suffer some irreparable injury before compliance with such order providing for the temporary custody of such minor can be enforced, such court may at the time of making such order providing for the temporary custody of such minor cause a warrant to be issued, reciting the facts, and directed to the sheriff, coroner, or constable of the county, commanding such officer to take such minor from the custody of the person in whose care such minor then is and place such minor in custody in accordance with the order of the court.

Temporary  
custody of  
minor.

Warrant to  
issue.

SEC. 2. This act shall take effect immediately upon its passage.

#### CHAPTER CLXXXIV.

*An act authorizing the regents of the state university to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the controller and treasurer in relation thereto.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of regents of the University of California is hereby authorized to hold institutes for the instruction of citizens of this state in the various branches of agriculture. Such institutes shall be held at such times, and at such places, as said board may direct. The said board shall make such rules and regulations as it may deem proper for organizing and conducting such institutes, and may employ an agent or agents to perform such work in connection therewith as they deem best. The course of instruction at such institutes shall be so arranged as to present to those in attendance the results of the

Farmers'  
institutes.



most recent investigations in theoretical and practical agriculture.

Appropriation.

SEC. 2. The sum of twelve thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the use of the regents of the University of California in discharging its duties, as prescribed in section one, during the two fiscal years following the passage of this act. One half of said sum, viz: six thousand dollars, shall be paid on the first day of July, nineteen hundred and three, and the remaining one half (six thousand dollars) shall be paid on the first day of July, nineteen hundred and four.

SEC. 3. The controller is authorized and directed to draw his warrants for the above sums, payable to the order of the treasurer of the University of California, and the treasurer of the state is directed to pay the same.

SEC. 4. This act shall be in effect from and after its passage.

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#### CHAPTER CLXXXV.

*An act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for sewerage system, Home for Feeble-Minded Children.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars, or so much thereof as may be necessary to provide an adequate sewerage system, and septic tanks for the proper disposal of sewage, at the California Home for the Care and Training of Feeble-Minded Children.

SEC. 2. The controller of state is hereby authorized to draw his warrant for the sum, or sums, herein appropriated, and the treasurer of state is hereby authorized to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CLXXXVI.

*An act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows, to wit:*

SECTION 1. The sum of five thousand (5,000) dollars in addition to any money heretofore appropriated for the same purpose and remaining unexpended, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid on the order of the board of managers of the Agnews State Hospital, for erecting water towers and tanks on the grounds of the Agnews State Hospital.

Appropriation for erecting water towers, Agnews State Hospital.

SEC. 2. The state board of examiners shall examine, audit and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. This act shall take effect, and be in force and effect on and after July first, nineteen hundred and three.

## CHAPTER CLXXXVII.

*An act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Lewis and Clark Exposition to be held in the city of Portland, Oregon, in 1905, and to provide for a commissioner thereof.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor of the State of California is hereby appointed a commissioner, to be known as the Lewis and Clark Exposition Commissioner, and he shall have exclusive charge and control thereof, with power to appoint all necessary persons for the purpose of carrying out the provisions of this act, and the expenditure of all moneys herein appropriated by the State of California for the construction of buildings and maintaining an exhibit of the products of the State of California, at the Lewis and Clark Exposition to be held in the city of Portland, State of Oregon, in the year 1905.

Lewis and Clark Exposition Commissioner.

SEC. 2. The governor of the State of California shall receive no compensation for his services, but he shall have the power to employ suitable persons, and upon such terms as he shall

Compensation.

deem just and equitable, for the purpose of carrying out the provisions of this act.

Appropriation.

SEC. 3. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to meet the expenses of erecting buildings, and collecting and maintaining an exhibit of the products of the State of California at the Lewis and Clark Exposition to be held in the city of Portland, State of Oregon, in the year 1905, and the controller is hereby directed to draw his warrant on the general fund from time to time for such portion of twenty thousand dollars, and in favor of such persons, as the governor of the State of California, such commissioner hereinabove referred to, shall direct, and the state treasurer is directed and empowered to pay the same.

Public institutions shall assist.

SEC. 4. It shall be the duty of all public institutions in the State of California to assist the said commissioner in every possible way by loaning him such material in their possession as will add to the attractive features of the state exhibit.

SEC. 5. This act is exempt from the provisions of section 672 of the Political Code of the State of California.

SEC. 6. This act shall take effect and be in force from and after July 1st, 1904.

#### CHAPTER CLXXXVIII.

*An act to appropriate \$12,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said state normal school; to improve the grounds of said state normal school.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for improvements, Los Angeles Normal School.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twelve thousand dollars, to be paid on the order of the board of trustees of the State Normal School at Los Angeles for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in said state normal school; to improve the grounds of said state normal school. Of which sum six thousand dollars shall be appropriated and paid out for the purchase of additional furniture and equipment; four thousand dollars is appropriated for repairs and improvements in the building; two thousand dollars is appropriated for the improvement of the grounds.

SEC. 2. The state board of examiners shall examine, audit, and allow all demands arising under this act, and the acts

herein mentioned, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.

SEC. 3. Five thousand dollars under this act shall be available immediately; the remainder shall be available on and after January first, nineteen hundred and four.

### CHAPTER CLXXXIX.

*An act authorizing the state board of prison directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.*

[Approved March 18, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the state board of prison directors, and to be expended by them for the purchase of an air-compressor, and such fixtures, pipes, and other machinery, and for such expenses as may be necessary to properly install such said air-compressor at the State Prison at Folsom.

Appropriation for purchase of machinery, Folsom State Prison.

SEC. 2. The state controller is hereby directed to draw his warrant, in favor of the said state board of prison directors, for the amount appropriated in section one of this act, and the state treasurer is hereby directed to pay the said warrant out of said appropriation.

SEC. 3. All bills for materials purchased, and expenses incurred under this act, shall be audited by the state board of prison directors, and approved by the state board of examiners, before being paid.

SEC. 4. This act shall take effect and be in force from and after July 1st, 1903.

## CHAPTER CXC.

*An act forbidding the employment of the inmates of state institutions in the manufacture, or production of articles, for the use of state officers, or the officers and employers of state institutions.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

State officers not to profit by labor of inmates of state institutions.

SECTION 1. No inmate of any state institution shall be employed in the manufacture or production, of any article, intended for the private and personal use of any state officer, or officer, or employé, of any state institution; *provided*, that this act shall not prevent repairing of any kind nor the employment of such inmates in household or domestic work connected with such institution.

SEC. 2. All acts or parts of acts in conflict with this act, are hereby repealed.

SEC. 3. This act shall take effect on and after its passage.

## CHAPTER CXCI.

*An act to amend section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and three of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Justices' courts in townships.

103. There shall be at least one justices' court in each of the townships of the state, for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case one justice of the peace must be elected in the manner herein provided for each of such courts. In every city or town of the third and the fourth class there must be one justice of the peace, and in every city or town of the first and one half and the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities or towns, respectively; and such justices

In cities.

of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' court of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city or town, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of the police court, recorder's court, or mayor's court within such city. No person is eligible to the office of justice of the peace in any city or town of the first, first and one half, second or third class who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the second or third class shall receive a salary of two thousand dollars per annum; and every city justice of the peace in any city or town of the first and one half class shall receive a salary of twenty-four hundred dollars per annum; and each city justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary, it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town, such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justices of the peace in the cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury to the credit of the general fund thereof. Said salary shall be the sole compensation of said city justices; *provided*, that the provisions of this section as to the establishment of justices' courts and city justices of the peace in cities or towns, shall not apply to cities or towns in which recorders' courts or city or town recorders are now or may hereafter be established, and city justices' courts now existing in such cities or towns are hereby abolished.

Jurisdiction.

Eligibility.

Salary.

Office.

Fees to be paid to city.

Recorders' courts.

SEC. 2. This act shall take effect and be in force from and after January first, nineteen hundred and seven.

## CHAPTER CXCII.

*An act to amend section 168, of an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st, 1897, and an amendment thereto, entitled 'An act to amend an act entitled 'An act to establish a uniform system of county and township governments,' approved April 1st, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23d, 1901.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Section 168 of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, is hereby amended to read as follows:

Counties of  
eleventh  
class.

Section 168. In counties of the eleventh class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Salaries of  
county  
officers.

1. The county clerk, three thousand six hundred dollars per annum; and in counties of this class, there shall be, and there hereby is allowed to the county clerk, one deputy, who shall be appointed by the county clerk and shall be paid a salary of nine hundred dollars per annum, and one registration clerk, who shall be appointed by the county clerk, and shall be paid a salary of seven hundred and fifty dollars per annum; said salaries to be paid by such county, in monthly installments, at the time and in the manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, five thousand dollars per annum; and in counties of this class, there shall be, and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum, said salary to be paid by such county, in monthly installments, at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, two thousand four hundred dollars per annum, and in counties of this class, whenever the amount of the fees required by law to be collected, shall in any one month exceed the sum of four hundred dollars, the recorder may, in addition to his salary, retain for his own use and benefit, one half of all such excess fees.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, two thousand eight hundred dollars per annum.

7. The license collector, ten per cent of all licenses collected by him.

8. The assessor, four thousand dollars per annum.

Counties of  
eleventh  
class.

9. The district attorney, two thousand four hundred dollars per annum.

10. The coroner, such fees as are now, or may hereafter be allowed by law.

11. The public administrator, such fees as are now, or may hereafter be allowed by law.

12. The superintendent of schools, two thousand dollars per annum; and in counties of this class, there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of seven hundred and fifty dollars per annum; said salary to be paid by such county in monthly installments, at the time and in the manner, and out of the same fund as the salaries of county officers are paid.

13. The surveyor, one thousand five hundred dollars per annum; and necessary traveling expenses while in the performance of the duties of his office.

14. Each supervisor, nine hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars.

Super-  
visors.

15. The official shorthand reporter, two thousand dollars per annum, for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of two thousand five hundred dollars per annum. Said salary shall be payable at the same time and in the same manner as the salaries of other county officers are paid. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio for the original, and five cents per folio for all copies thereof. Subdivision fifteen hereof, relating to the salaries and fees of official shorthand reporter, shall take effect immediately.

Shorthand  
reporter.

16. In townships having a population of seven thousand or over in counties of this class, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand, there shall be but one justice of the peace elected and he shall receive a salary of twenty dollars per month. Such salaries shall be payable at the same time and in the same manner, and out of the same fund as county officers are paid. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, the following fees, to wit:

Justices of  
the peace.

1. Each justice of the peace shall be allowed, in a civil action, for all services before trial or entry of judgment, by default or confession, two dollars, and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

Fees of  
justices of  
the peace.



Counties of  
eleventh  
class.

Fees of  
justices of  
the peace.

2. For the trial of a civil action and all proceedings subsequent thereto, three dollars.

3. For each hour actually engaged in the trial of an action, after the first day, fifty cents.

4. For certificate and transmitting papers and transcript on appeal, one dollar.

5. For copies of papers on docket, per folio, ten cents.

6. For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

7. For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

8. For taking an acknowledgment of an instrument, for the first name, fifty cents, and for each additional name, twenty-five cents.

9. For taking depositions, per folio, fifteen cents.

10. For administering an oath, and certifying the same, fifty cents.

11. For issuing a commission to take testimony, one dollar.

12. For all services connected with the posting of estrays, one dollar.

13. For issuing each process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

14. For each affidavit or certificate, or for administering an oath or affirmation, not otherwise herein provided for, twenty-five cents.

15. For taking and approving a bond or undertaking, including the justification of sureties, fifty cents.

16. For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

17. For all services in a criminal action or proceeding, whether on examination or trial, three dollars; and for each hour actually engaged in the trial or hearing of such action or proceeding, after the first day of such trial or hearing, fifty cents.

18. In all cases where the venue shall be changed, the justice before whom the action is brought, shall receive three dollars for all services therein; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

19. For taking bail in all proceedings, pending before another magistrate, fifty cents.

Con-  
stables.

17. In townships having a population of seven thousand or over, in counties of this class, two constables shall be elected, and each shall receive a salary of thirty dollars per month. In townships having a population less than seven thousand, there shall be but one constable elected, and he shall receive a salary of ten dollars per month. Such salaries shall be payable at the same time and in the same manner, and out of the same fund as county officers are paid.

Fees.

All constables in counties of this class shall, in addition to

the salaries above provided for, receive and collect, for their own use and benefit, the following fees, to wit:

Counties of  
eleventh  
class.

1. For serving summons and complaint, for each defendant served, fifty cents.

Fees of con-  
stables.

2. For each copy of summons made by him, twenty-five cents.

3. For levying writ of attachment or execution, or executing an order of arrest, or for the delivery of personal property, two dollars.

4. For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

5. For keeping personal property, such sum as the court may order; but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

6. For taking a bond or undertaking, one dollar.

7. For copies of writs or other papers, except summons, complaints, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

8. For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

9. For writing and posting each notice of sale of property, fifty cents.

10. For furnishing notice of publication, twenty-five cents.

11. For serving subpoenas, each witness, including copy, fifty cents.

12. For collecting money on execution, two and one half per cent.

13. For executing and delivering certificate of sale, fifty cents.

14. For executing and delivering constable's deed, two dollars and fifty cents.

15. For each mile actually traveled, within his township, in the service of any writ, order, or paper, except a warrant of arrest, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

16. For each mile necessarily traveled within his county, outside of his township, to serve such writ, order, or paper, in going only, twenty-five cents.

17. For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners, from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

18. For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

19. For arresting a prisoner, two dollars.

20. For transporting prisoners to the county jail, from the justice's court, or from the county jail to the justice's court,

Counties of  
eleventh  
class. the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

Fees of  
constables. 21. For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

22. For summoning a jury, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

23. For attending court during the trial of a cause or upon an examination on a criminal charge, per day, three dollars.

24. For making sales of estrays in civil cases, the same fees as for sales on execution.

25. For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

26. The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

27. All fees and per diem herein provided for in criminal cases are a county charge, but no constable shall receive in any one month more than one hundred dollars for all services in criminal cases.

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## CHAPTER CXCIII.

*An act to amend an act entitled "An act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as section four hundred and two and three quarters, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Unsafe  
scaffolding; pen-  
alty for  
erecting.

402 $\frac{3}{4}$ . Any person or corporation employing or directing another to do or perform any labor in the construction, alteration, repairing, painting or cleaning of any house, building or structure within this state, who knowingly or negligently furnishes or erects or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hangers, blocks, pulleys, stays, braces, ladders, irons, ropes or other mechanical contrivances, or who hinders or obstructs any officer attempting to inspect the same under the provisions of section 12 of "An act to establish and support a bureau of labor statistics," or who destroys, defaces or

removes any notice posted thereon by such officer or permits the use thereof, after the same has been declared unsafe by such officer, contrary to the provisions of said section 12 of said act, shall be guilty of a misdemeanor.

## CHAPTER CXCV.

*An act to provide for the amount and the manner of payment of salaries of justices of the peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this act and to provide a cashier in the office of the tax collector, and a file clerk in the office of the county clerk, and repealing all laws in conflict therewith.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. In counties of the tenth class justices of the peace shall receive as compensation, for the services required of them by law, the following monthly salaries to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of six thousand and over, ninety dollars per month.

In townships having a population of two thousand and less than six thousand, seventy-five dollars per month.

In townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars per month.

In townships having a population of eight hundred and less than one thousand five hundred, thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, twenty dollars per month.

In townships having a population less than five hundred, fifteen dollars per month.

In addition to the above salaries each justice of the peace shall collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

SEC. 2. The population of townships shall, for the purpose of this act, be determined by multiplying the number of voters registered in such township at the last preceding election, by five.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. In the office of the county tax collector of counties of the tenth class there shall be a cashier to be appointed by and hold office at the pleasure of the county tax collector and the compensation of such cashier shall be nine hundred dollars per annum.

Counties of tenth class.

Salaries of justices of the peace.

Population, how determined.

Cashier for tax collector.

Filing  
clerk.

SEC. 5. In the office of the county clerk of counties of the tenth class a filing clerk shall be appointed by and hold office at the pleasure of the county clerk and the compensation of such filing clerk shall be nine hundred dollars per annum.

SEC. 6. This act shall take effect and be in force from and after its passage.

### CHAPTER CXCIV.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, by amending section 160 thereof, relating to salaries of officers of counties of the third class.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and sixty (160) of an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Counties of  
third class.

Section 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

County  
clerk, and  
deputies.

1. The county clerk, four thousand (\$4,000) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred (\$1,800) dollars per annum; four court-room deputies, whose salaries are hereby fixed at the sum of fifteen hundred (\$1,500) dollars per annum each; one deputy, whose salary is hereby fixed at the sum of fifteen hundred (\$1,500) dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred (\$1,200) dollars per annum each; one deputy, whose salary is hereby fixed at the sum of nine hundred (\$900) dollars per annum, and one copyist, whose salary is hereby fixed at the sum of nine hundred (\$900) dollars per annum; the chief deputy, eight deputies, and one copyist herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk, in counties of this class, shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding six months, whose salary is hereby fixed at one hundred and twenty-five (\$125) dollars per month; four clerks, for a period

of and not exceeding four months, whose salaries are hereby fixed at one hundred (\$100) dollars each per month. Such clerks shall be appointed by the county clerk of such counties and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such counties.

Counties of  
third class.

2. The sheriff, four thousand (\$4,000) dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one undersheriff, whose salary is hereby fixed at the sum of two thousand four hundred (\$2,400) dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred (\$1,500) dollars per annum; two assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred (\$1,200) dollars per annum each; five deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and a jail matron, whose salary is hereby fixed at six hundred dollars per annum; the undersheriff, chief jailer, assistant jailers and five deputies herein provided for shall be appointed by the sheriff of said county, and the jail matron shall be appointed by the sheriff; *provided*, that for the period prior to twelve o'clock meridian on the first Monday after the first day of January, nineteen hundred and three, said matron shall be appointed by the board of supervisors, and as to said office and appointment this subdivision shall take effect immediately; and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; *provided*, that in counties of this class the sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the county auditor, a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the sheriff shall thereupon pay over to the county treasurer, for the use of the county, any difference between the amount allowed for such purpose by the supervisors and the amount actually expended by him therefor. The sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices, and all expenses necessarily incurred by him in the pursuit of criminals within his county, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid.

Sheriff, and  
deputies.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and shall be paid salaries and compensation as follows: One chief deputy, at a salary of eighteen hundred dollars per annum; one index deputy whose salary is hereby fixed at fifteen hundred dollars per annum; two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each, and one mortgage deputy, whose salary is hereby fixed at

Recorder,  
and deputies.

Counties of  
third class.

twelve hundred dollars per annum; *provided further*, that the chief deputy, index deputy, two deputies, and one mortgage deputy herein provided for shall be appointed by the recorder of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the recorder; *provided further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding six and one half cents per folio for each paper or document so recorded; *and provided further*, that said recorder shall file monthly, with the county auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

Auditor,  
and deputies.

4. The auditor, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be appointed by the auditor of such county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of nine hundred dollars per annum, and such additional assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of five hundred dollars per annum; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the auditor.

Treasurer,  
and deputies.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sums shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the treasurer; *provided*, that the chief deputy and the deputy herein provided for, shall be appointed by the treasurer of such counties.

Tax collector,  
and deputies.

6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and two deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars each per annum; *provided further*, that there shall be and there hereby is allowed to the tax collector one extra deputy for the month of April of each year, whose salary shall be one hundred dollars for such

month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and seven extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and nine extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; *provided further*, that the chief deputy, and all other deputies herein provided for, shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the tax collector.

Counties of  
third class.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

License  
collector.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor, at eighteen hundred dollars per annum; one deputy assessor, at fifteen hundred dollars per annum; one mortgage deputy assessor, at twelve hundred dollars per annum, and one transfer deputy assessor, at a salary of twelve hundred dollars per annum; six field deputy assessors for not exceeding four months in any one year, at one hundred dollars each per month; seven outside field deputy assessors for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; one cashier for not exceeding six months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists for not exceeding four months in any one year, at a salary of one hundred dollars each per month; five extra deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of three thousand dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; it is hereby *further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll-taxes or road poll-taxes, nor shall the said assessor receive

Assessor,  
and deputies.



Counties of  
third class. any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, block books, or assessment rolls but shall only receive the actual cost by him incurred in making or preparing such maps, plats, block books, or assessment rolls; and *provided further*, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each, for such maps, plats, block books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work.

District  
attorney,  
and depu-  
ties. 9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one chief deputy district attorney, whose salary is hereby fixed at two thousand dollars per annum; three deputy district attorneys, whose salaries are hereby fixed at fifteen hundred dollars per annum each, and one clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum; *provided further*, that the chief deputy district attorney, and three deputy district attorneys, and clerk shall be appointed by the district attorney, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney.

Coroner. 10. The coroner, such fees as are now or may hereafter be allowed by law; *provided*, that the coroner shall be paid by such counties in the same manner and out of the same fund as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him.

Public  
adminis-  
trator. 11. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-  
tendent of  
schools,  
and assist-  
ant. 12. The county superintendent of schools, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the county superintendent of schools, one assistant superintendent of schools, and one deputy, who shall be appointed by the county superintendent of schools of said county and whose salaries shall be as follows: The salary of the assistant shall be one hundred dollars per month, that of the deputy shall be seventy-five dollars per month. These salaries shall be paid out of the same fund and in the same manner as the salary of the county superintendent of schools is paid.

Surveyor. 13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the surveyor is directed or

charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; and *provided further*, that such county surveyor shall file with the county auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

Counties of  
third class.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, two hundred and twenty-five dollars; in townships having a population of more than nineteen thousand and less than twenty-five thousand, one hundred and thirty-five dollars; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifteen dollars; in townships having a population of one thousand and less than fifteen thousand, seventy-five dollars. In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided*, that in townships containing a population of more than twenty-five thousand there shall be but one justice in and for such townships. Each justice of the peace must keep a book, open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury, or city treasury, as provided by law.

Justices of  
the peace.

15. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of more than nineteen thousand and less than twenty-five thousand, ninety dollars; in townships having a population of fifteen thousand and less than nineteen thousand, eighty dollars; in townships having a population of one thousand and less than fifteen thousand, eighty-five dollars; *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of

Con-  
stables.

*Counties of third class.* this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

*Super-visors.* 16. Each supervisor, one hundred and twenty-five dollars per month, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month.

*Shorthand reporters.* 17. Each of the official reporters of the superior court in counties of this class shall receive as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and fifty (\$150.00) dollars, payable out of the county treasury in the same manner and at the same time as salaries of county officers are paid. For transcription of said notes, when required, he shall receive fifteen (15c) cents per folio; *provided*, that when more than one copy is required he shall receive ten cents per folio for each copy. The compensation for transcription in criminal cases shall be paid on the order of the court out of the county treasury. The fees for transcription in civil cases or proceedings shall be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct. When the services of the reporter are required in any civil matter, the clerk shall collect for each day of trial five (\$5.00) dollars, one half from each party, and shall pay the same into the county treasury.

SEC. 2. This act shall take effect immediately.

## CHAPTER CXCVI.

*An act to amend section one hundred and sixty-two of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and sixty-two of an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, as amended March 23, 1901, is hereby amended to read as follows:

*Counties of fifth class.* Section 162. In counties of the fifth class the county officers

shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Counties of fifth class.

1. The county clerk, three thousand dollars per annum; he shall appoint one chief deputy, at a salary of fifteen hundred dollars per annum; one additional deputy, at a salary of twelve hundred dollars per annum, and three court-room clerks, at a salary of twelve hundred dollars each per annum. The salaries of each of said deputies and clerks to be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. County clerk, and deputies.

2. The sheriff, nine thousand dollars per annum, and one deputy sheriff, at a salary of one thousand five hundred dollars, to be paid at the same time and in the same manner as other county officers are paid, being the same deputy allowed sheriffs under and by virtue of section two hundred and sixteen of an act entitled "An act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three, and such fees and mileage as are now or hereafter may be provided by law for all services done or performed in actions coming from another county, and for all criminal service necessarily performed outside of his county, and all necessary expense incurred in arresting and conveying prisoners before a court or to prison, and shall have such fees and reasonable expenses incurred in taking and keeping property seized under attachment, or levied on under execution; *provided*, that the keeper's fees shall not exceed three dollars per day of twelve hours, except when it becomes necessary to keep a place of business open in the night, in which case he shall be allowed additional keeper's fees, to be fixed by the court from which the writ issued under which the property was taken. Sheriff, and deputies.

3. The recorder, three thousand dollars per annum. The recorder may appoint two deputies at a salary of twelve hundred dollars each per annum, and also one deputy at a salary of nine hundred dollars per annum; the salaries of such deputies to be paid at the same time and in the same manner county officers are paid. Recorder.

4. The auditor, twenty-four hundred dollars per annum. The auditor may appoint a deputy at a salary of twelve hundred dollars per annum; the salary of the deputy auditor to be paid at the same time and in the same manner county officers are paid. Auditor.

5. The treasurer, three thousand four hundred dollars per annum. Treasurer.

6. The tax collector, two thousand five hundred dollars per annum. Tax collector.

7. The license collector, one thousand eight hundred dollars per annum. License collector.

8. The assessor, six thousand dollars per annum. Assessor.

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class the district attorney may appoint an assistant district attorney, which office is hereby District attorney.

Counties of  
fifth class.

created, who shall receive as compensation for his services the sum of fifteen hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid. In counties of this class the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his service the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, in the same manner and at the same time other county officials are paid.

Coroner.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions, and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any of such reporters should refuse or be unable to attend, may employ a stenographer for that purpose at the same compensation allowed to stenographers of the superior court of the county, such amount to be deducted from the salary of the official reporter in default.

Public  
adminis-  
trator.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-  
tendent of  
schools.

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

Surveyor.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or

block books, then the surveyor shall receive, in addition to the salary herein above noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books. Counties of fifth class.

14. Justices of the peace, such fees are now or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month in lieu of all fees in criminal cases, payable as the salaries of other county officers are paid. Justices of the peace.

15. Constables, such fees are now or may be hereafter be allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each for all services in criminal cases, payable as the salaries of other county officers are paid; *provided, however*, that constables in townships not having twenty thousand inhabitants, shall receive, in addition to the fees now provided by law three dollars per day for each day actually in attendance on court in criminal cases, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. Constables.

16. Each supervisor, seventy-five dollars per month; and ten cents per mile for traveling to and from the county seat; *provided*, mileage shall not be allowed oftener than once in each month. Super-visors.

17. From and after the first Monday in January, nineteen hundred and three, the offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

## CHAPTER CXCVII.

*An act to amend section one hundred and seventy (170) of an act entitled "An act to establish a uniform system of county and township governments" approved April 1, 1897, and the acts amendatory thereof; relating to the compensation of county and township officers of counties of the thirteenth class.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and seventy (170) of an act entitled "An act to establish a uniform system of county and township governments" approved April first, eighteen hundred and ninety-seven, and amended March 23d, 1901, is hereby amended to read as follows:

Section 170. In counties of the thirteenth class the county and township officers shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries: Counties of thirteenth class.

Counties of  
thirteenth  
class.

Salaries of  
county  
officers.

1. The county clerk, twenty-eight hundred dollars per annum.

2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind.

3. The recorder, twenty-six hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, eighteen hundred dollars per annum.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Super-  
visors.

13. Each supervisor. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner, fifteen cents per mile, one way; *provided*, the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year.

Classifica-  
tion of  
townships.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population, as follows:

Townships containing a population of six thousand five hundred or more shall belong to and be known as townships of the first class; townships containing a population of less than six thousand five hundred and more than four thousand five hundred shall belong to and be known as townships of the second class; townships containing a population of less than four thousand five hundred and more than two thousand five hundred shall belong to and be known as townships of the third class; townships containing a population of less than two thousand five hundred and more than one thousand, shall belong to and be known as townships of the fourth class; townships containing a population of less than one thousand and more than eight hundred shall belong to and be known as townships of the fifth class; townships containing a population of less than eight hundred shall belong to and be known as townships of the sixth class. The population of the several judicial townships shall be determined for the purpose of this and the succeeding section, by multiplying by five the total vote cast in such townships for governor at the last general

election held November fourth, nineteen hundred and two, as indicated by the official election returns of said election.

15. Justices of the peace shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the general fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit:

Counties of  
thirteenth  
class.

Justices of  
the peace,  
salaries.

In townships of the first class, seventy-five dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law.

Each justice must pay in to the county treasurer once a month all fines collected by him. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases; justices of the peace of the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the salaries of the county officers are paid out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit:

Con-  
stables,  
salaries.

In townships of the first class, thirty dollars per month; in townships of the second class, thirty dollars per month; in townships of the third class, twenty dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest or any other process in a criminal case (where such service is in fact made) both going and returning ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail a constable shall be allowed his actual expenses each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use, in civil cases, the fees which are now or may hereafter be allowed by law.

The compensations herein provided for justices of the peace and constables shall take effect and be in force on and after the first Monday in April, nineteen hundred and three.

In effect.



Official  
reporter.

16. The official reporter of the superior court shall receive the fees allowed by law.

Compensation to be in full for all services.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies (except in the case of the district attorney, wherein one deputy is provided for within the discretion of the board of supervisors) and copyists that may be needed in their respective offices whenever the same are allowed in any way except as provided in section two hundred and fifteen of the county government act, approved eighteen hundred and ninety-seven, wherein it provides certain fees and commissions for the assessor and license collector.

SEC. 2. All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CXCVIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and amended March 23rd, 1901, by amending section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and eighty-five of an act entitled "An act to establish a uniform system of county and township governments," approved April 1st, 1897, and as amended March 23rd, 1901, is hereby amended so as to read as follows:

Counties of  
twenty-  
eighth  
class.

185. In counties of the twenty-eighth class, the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Salaries of  
county  
officers.

1. The county clerk, three thousand two hundred and fifty dollars per annum.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand two hundred and fifty dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, four thousand two hundred and fifty dollars per annum.

8. The district attorney, two thousand two hundred and fifty dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law. Counties of  
twenty-  
eighth  
class.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. Superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses, not to exceed three hundred dollars per annum.

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month. Justices of  
the peace.

14. The constables shall receive the following fees, to wit: Con-  
stabes.  
For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for furnishing notice for publication, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent, to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, ten cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, five cents; in trans-

Counties of  
twenty-  
eighth  
class.

porting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage, his actual and necessary expenses for himself and prisoner; *provided*, that where two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

Super-  
visors.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner, he shall receive twenty cents per mile one way for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner.

Jurors.

16. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

## CHAPTER CXCIX.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, and amended March 23rd, 1901, by amending section one hundred and eighty-six (186) thereof, relating to the compensation of officers of counties of the twenty-ninth class.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and eighty-six (186) of an act entitled, "An act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, and amended March 23rd, 1901, is hereby amended to read as follows:

Counties of  
twenty-  
ninth  
class.

Section 186. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum. Salaries of county officers.
  2. The sheriff, four thousand five hundred dollars per annum; and also all fees for service of papers in actions arising outside of his county.
  3. The recorder, one thousand eight hundred dollars per annum.
  4. The auditor, one thousand two hundred dollars per annum.
  5. The treasurer, eighteen hundred dollars per annum.
  6. The tax collector, one thousand dollars per annum.
  7. The assessor, two thousand five hundred dollars per annum.
  8. The district attorney, one thousand eight hundred dollars per annum.
  9. The coroner, such fees as are now or may be hereafter allowed by law.
  10. The public administrator, such fees as are now or may be hereafter allowed by law.
  11. The superintendent of schools, one thousand six hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of his county.
  12. The surveyor, such fees as are now or may be hereafter allowed by law.
  13. Justices of the peace, such fees as are now or may be hereafter allowed by law. Township officers.
  14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or a preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court.
  15. Each supervisor, fifty dollars per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat at each session. Super-  
visors.
  16. Each member of the board of education, including the secretary, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law. Board of  
education.
- SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CC.

*An act to amend sections two hundred and sixty-nine, two hundred and seventy-three, and two hundred and seventy-four of the Code of Civil Procedure, all relating to phonographic reporters.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two hundred and sixty-nine of the Code of Civil Procedure is hereby amended to read as follows:

Phono-  
graphic  
reporters  
for supe-  
rior courts.

269. The judge or judges of any superior court in the state may appoint a competent phonographic reporter, or as many such reporters as there are judges, to be known as official reporter or reporters of such court, and to hold office during the pleasure of the judge or judges appointing them. Such reporter, or any one of them, where there are two or more, must, at the request of either party, or of the court in a civil action or proceeding, and on the order of the court, the district attorney, or the attorney for defendant in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court.

SEC. 2. Section two hundred and seventy-three of said code is hereby amended to read as follows:

Reports  
prima facie  
correct.

273. The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of such testimony and proceedings.

SEC. 3. Section two hundred and seventy-four of said code is hereby amended to read as follows:

Fees of  
official  
reporters.

274. For his services, the official reporter shall receive the following fees, except in counties where a statute provides otherwise:

For reporting testimony and proceedings, ten dollars per day, which amount, when more than one case is reported in one day, must be apportioned by the court between the several cases;

For transcription, for one copy, twenty cents per hundred words; for two copies made at one time, fifteen cents each per hundred words; for three copies made at one time, eleven cents

each per hundred words; for four copies made at one time, nine cents each per hundred words; and for five or more copies made at one time, eight cents each per hundred words.

In criminal cases, the fees for reporting and for transcripts ordered by the court to be made must be paid out of the county treasury upon the order of the court; *provided*, that when there is no official reporter in attendance, and a reporter *pro tempore* is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in like manner.

In civil cases, the fees for reporting and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at his option, pay the whole thereof; and, in either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering the same. No reporter must be required to perform any service in a civil case until his fees therefor have been paid to him or deposited with the clerk of the court.

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## CHAPTER CCI.

*An act to add a new section to the Penal Code of the State of California, to be known as section six hundred and fifty and a half, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not; affecting, or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A person who willfully and wrongfully commits any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, or who willfully and wrongfully in any manner, verbal or written, uses another's name for accomplishing lewd or licentious purposes, whether such purposes are accomplished or not, or who willfully and wrongfully uses another's name in any manner that will affect, or have a tendency to affect the moral reputa-

Seriously  
injuring  
persons or  
property,  
etc., a mis-  
demeanor.

tion of the person whose name is used, generally, or in the estimation of the person or persons to whom it is so used, or who with intent of accomplishing any lewd or licentious purpose, whether such purpose is accomplished or not, personifies any person other than himself, or who causes or procures any other person or persons to identify him, or to give assurance that he is any other person than himself to aid or assist him to accomplish any lewd or licentious purpose, for which no other punishment is expressly prescribed by this code, is guilty of a misdemeanor.

SEC. 2. This act shall take effect immediately.

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## CHAPTER CCII.

*An act to amend section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-eight of the Penal Code of the State of California is hereby amended, so as to read as follows:

Prisoners  
to be dis-  
charged on  
a Monday.

28. Every person now confined in or that may hereafter be committed to and confined in any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatsoever name the same may now or hereafter be known in this state, under conviction for a penal offense for a term exceeding thirty days, shall be discharged on a Monday, regardless of the day of the week upon which the term or time of confinement prescribed in the sentence or terminated by credits or commutation would otherwise expire, unless the Monday upon or preceding the day in the same week upon which the sentence or commutation would otherwise expire shall fall upon or precede, within four days, a legal holiday, in which event, such person shall be discharged upon the first Monday preceding that, which will not be upon or be followed by a holiday within four days.

## CHAPTER CCIII.

*An act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending section two hundred thereof, relating to the compensation of officers of the forty-third class.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 200 of an act to amend an act entitled "An act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, is hereby amended to read as follows:

Section 200. In counties of the forty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand eight hundred dollars per annum.

2. The sheriff, three thousand dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county.

3. The recorder, twelve hundred dollars per annum.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, six hundred dollars per annum. The tax collector shall be allowed one deputy for the months of November and April of each year, at a compensation of one hundred dollars per month.

7. The assessor, twenty-four hundred dollars per annum.

8. The district attorney, one thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a

Counties of  
forty-third  
class.

Salaries of  
county  
officers.

Justices of  
the peace.



Counties of  
forty-third  
class.

population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Con-  
stables.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Super-  
visors.

15. Supervisors, five dollars per day for each day while in the service of the county, and twenty cents per mile for traveling from residence to county seat.

Board of  
education.

16. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of twenty cents per mile, one way, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

Population  
of town-  
ships.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election.

## CHAPTER CCIV.

*An act to amend section 36 of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers, and compensation of the officers thereof, and in the amendment to the compensation of the county surveyor.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 36 of an act entitled "An act to amend an act entitled 'An act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

Section 189. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum and mileage at the rate of twenty-five cents per mile necessarily traveled, in going only.
3. The recorder, two thousand five hundred dollars per annum.
4. The auditor, one thousand five hundred dollars per annum.
5. The treasurer, one thousand five hundred dollars per annum.
6. The tax collector, two thousand dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, one thousand eight hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county

Counties of  
thirty-  
second  
class.

Salaries of  
county  
officers.

Counties of thirty-second class. Justices of the peace.

assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law; and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

Board of education.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of

the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.

Counties of  
thirty-  
second  
class.

16. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars.

Super-  
visors.

## CHAPTER CCV.

*An act to amend an act entitled "An act to establish a uniform system of county and township government," approved April first, eighteen hundred and ninety-seven, and as amended March twenty-third, nineteen hundred and one, by amending section 190 thereof, relating to counties of the thirty-third class.*

[Approved March 19, 1903.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one hundred and ninety of an act entitled "An act to establish a uniform system of township and county government, approved April first, eighteen hundred and ninety-seven," and as amended March 23rd, 1901, is hereby amended to read as follows:

Section 190. In counties of the thirty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Counties of  
thirty-  
third class.

1. The county clerk, one thousand five hundred dollars per annum.

Salaries of  
county  
officers.

2. The sheriff, three thousand five hundred dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county.

3. The recorder, one thousand five hundred dollars per annum.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, twelve hundred dollars per annum, and a deputy, at four dollars per day, for not more than one hundred

Counties of thirty-third class. *provided*, that no fees or compensation other than the compensation provided for in this section, shall be allowed the sheriff or tax collector for the collection of licenses in counties of this class.

Salaries of county officers.

7. The assessor, two thousand five hundred dollars per annum, and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury.

8. The district attorney, two thousand dollars per annum, and necessary traveling expenses to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

Township officers.

13. In counties of this class, the township officers shall receive the following compensations to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of forty-five dollars per month, and constables a monthly salary of sixty-five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than twenty-seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand and less than twenty-seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand,

justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of twenty-five dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases. Counties of  
thirty-  
third class.

*Provided*, that in addition to the salary herein allowed, each constable shall be paid out of the county treasury for traveling expenses outside of his township, for services of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided further*, that for the purpose of this act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

14. Each supervisor six hundred dollars per annum and twenty cents per mile traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; *provided*, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars per annum. This section shall take effect immediately in so far as it relates to the salaries and fees of justices and constables. Super-  
visors.  
  
In effect.

15. All acts or parts of acts in conflict with this act are hereby repealed.

16. This act shall take effect on and after its passage.

## CHAPTER CCVI.

*An act to repeal section seventeen hundred and eighteen of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.*

[Approved March 19, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen hundred and eighteen of the Code of Civil Procedure is hereby repealed. Repeal of  
Sec. 1718,  
C. C. P.

## CHAPTER CCVII.

*An act to amend section 791, relating to notaries public, of an act entitled "An act to establish a Political Code," approved March 12th, 1872.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 791 of the act entitled "An act to establish a Political Code," approved March 12, 1872, is hereby amended so as to read as follows:

Notaries public; number that may be appointed.

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of this state as he shall deem necessary for the public convenience, except that in cities and counties and counties of the first class the number shall not exceed seventy.

## CHAPTER CCVIII.

*An act to amend an act entitled "An act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6th, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said act and authorized to discharge the duties therein provided for.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. That certain act of the legislature entitled "An act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6th, 1891, is hereby amended by adding thereto a section to be known as section 22 thereof, reading as follows:

Corporations shall keep inviolate confidential communications.

Any corporation exercising the powers and performing the duties provided for in said act, shall keep inviolate all communications confidentially made to it touching the existence, condition, management, and administration of any trusts confided to it; and no creditor or stockholder of any such corporation shall be entitled to disclosure of any such communication; *provided, however*, that the president, manager and secretary of such corporation shall be entitled to knowledge of such communication; *and provided further*, that in any suit or proceeding touching the existence, condition, management or administration of such trust, the court wherein the same is pending may require disclosure of any such communication.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER CCIX.

*An act to amend an act entitled "An act to establish a Civil Code" approved March 21, 1872, by amending section 465, relating to the powers of railroad corporations.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and sixty-five of the Civil Code is hereby amended to read as follows:

465. Every railroad corporation has power:

1. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purposes their officers, agents and employés may enter upon the lands or waters of any person, subject to liability for all damages which they may do thereto;

Powers of  
railroad  
corpora-  
tions.

2. To receive, hold, take, and convey, by deed or otherwise, as a natural person, such voluntary grants and donations of real estate and other property which may be made to it to aid and encourage the construction, maintenance and accommodation of such railroad;

May accept  
real estate.

3. To purchase, or by voluntary grants or donations to receive, enter, take possession of, hold and use all such real estate and other property as may be absolutely necessary for the construction and maintenance of such railroad, and for all stations, depots and other purposes necessary to successfully work and conduct the business of the road;

May ac-  
quire real  
estate.

4. To lay out its road, not exceeding nine rods wide, and to construct and maintain the same, with a single or double track, and with such appendages and adjuncts as may be necessary for the convenient use of the same;

Width of  
roads.

5. To construct their roads across, along or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, avenue or highway, or across any railway, canal, ditch or flume which the route of its road intersects, crosses or runs along, in such manner as to afford security for life and property; but the corporation shall restore the stream or watercourse, road, street, avenue, highway, railroad, canal, ditch or flume thus intersected to its former state of usefulness as near as may be, or so that the railroad shall not unnecessarily impair its usefulness or injure its franchise;

Where  
may con-  
struct road.

6. To cross, intersect, join, or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of such other railroad corporation, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections; and every corporation whose railroad is, or shall be hereafter intersected by any new railroad, shall unite with

May cross  
other  
roads.



the owners of such new railroad in forming such intersections and connections, and grant facilities therefor; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or the manner of such crossings, intersections and connections, the same shall be ascertained and determined as is provided in Title VII, Part III, Code of Civil Procedure (Secs. 1237-1263);

May purchase lands, timber, stone, etc.

7. To purchase lands, timber, stone, gravel or other materials to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in the manner provided in Title VII, Part III, Code of Civil Procedure, for the condemnation of lands; and to change the line of its road, in whole or in part whenever a majority of the directors so determine, as is provided hereinafter; but no such change must vary the general route of such road, as contemplated in its articles of incorporation;

Carry persons and freight.

8. To carry persons and property on their railroad, and to receive tolls or compensation therefor;

Erect buildings.

9. To erect and maintain all necessary and convenient buildings, stations, depots, fixtures and machinery for the accommodation and use of their passengers, freight and business;

Regulate time and tolls.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor within the limits prescribed by law and subject to alteration, change or amendment by the legislature at any time;

Establish rules for management of business.

11. To regulate the force and speed of their locomotives, cars, trains or other machinery used and employed on their road, and to establish, execute and enforce all needful and proper rules and regulations for the management of its business transactions usual and proper for railroad corporations;

Purchase other roads not in competition.

12. To purchase, lease or acquire the franchises, rights and property, or any part thereof, of any railroad corporation, leasing or owning any railroad outside of the State of California, and to operate the same, and to use the franchises of any such road, and to build and operate extensions thereof; *provided* that nothing herein shall authorize any corporation to purchase the franchises, rights and property of any railroad operated in competition with it; and to purchase, acquire and hold the stocks, bonds or other securities of any railroad corporation organized under the laws of this state or of any other state or territory, with full power to sell the same; *provided* that nothing herein will authorize any corporation to purchase the stock of any railroad corporation operated in competition with it.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCX.

*An act to amend section seven hundred and eighteen of the Civil Code, relating to leases of city and town lots.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven hundred and eighteen of the Civil Code is hereby amended to read as follows:

718. No lease or grant of any town or city lot, for a longer period than fifty years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person shall not be leased for a longer period than ten years.

Limit of term of lease of city lots.

SEC. 2. This act shall take effect, and be in force from and after its passage.

## CHAPTER CCXI.

*An act to provide for the issuance and sale of state bonds to create a fund for the construction by the board of state harbor commissioners of a seawall and appurtenances in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. For the purpose of providing a fund for the payment of the indebtedness hereby authorized to be incurred by the board of state harbor commissioners for the erection of a seawall and appurtenances in the city and county of San Francisco, at a cost not to exceed two million dollars (which said seawall and appurtenances the board of state harbor commissioners are hereby empowered to construct in the manner authorized by law, and at a cost not to exceed said two million dollars), the state treasurer shall, immediately after the issuance of the proclamation of the governor, provided for in section ten hereof, prepare two thousand suitable bonds of the State of California, in the denomination of one thousand dollars each. The whole issue of said bonds shall not exceed the sum of two million dollars, and said bonds shall bear interest at the rate of four per centum per annum, from the time of the sale thereof, and both principal and interest shall be payable in gold coin of the present standard of value, and they shall

State treasurer to prepare bonds for seawall improvements.

Interest rate.

be payable at the office of the state treasurer, at the expiration of nineteen years from their date, subject, however, to redemption by lot as in this act hereinafter provided. Said bonds shall bear date, the second day of January, A. D. nineteen hundred and five, and shall be made payable on the second day of January, nineteen hundred and twenty-four A. D. The interest accruing on such of said bonds as are sold, shall be due and payable at the office of the said state treasurer on the second day of January, and on the second day of July, of each year after the sale of the same; *provided*, that the first payment of interest shall be made on the second day of January, A. D. nineteen hundred and six, on so many of said bonds as may have been theretofore sold. At the expiration of nineteen years from the date of said bonds, all bonds sold shall cease to bear interest, and, likewise, all bonds redeemed by lot shall cease to bear interest as in this act provided, and the said state treasurer shall call in, forthwith pay, and cancel the same, out of the moneys in the San Francisco seawall sinking fund provided for in this act, and, he shall on the first Monday of January, nineteen hundred and twenty-four, also cancel and destroy all bonds not theretofore sold. All bonds issued shall be signed by the governor, and countersigned by the controller, and shall be endorsed by the state treasurer, and each shall have the seal of the state stamped thereon. Each bond shall contain a clause that it is subject to redemption by lot after the year 1914.

When  
payable.

When  
interest  
shall cease.

When sub-  
ject to re-  
demption.

Interest  
coupons.

SEC. 2. Interest coupons shall be attached to each of said bonds, so that such coupons may be removed without injury to or mutilation of the bond. Said coupons shall be consecutively numbered, and shall be signed by the state treasurer. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser.

Appropriation  
for  
expense of  
issue.

SEC. 3. The sum of one thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants duly drawn for that purpose.

Shall be  
sold at  
public  
auction.

SEC. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by the governor of the state, under the seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland,

Publica-  
tion of  
notice of  
sale.

and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for that purpose. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund, to be known and designated as the "San Francisco Seawall Fund" and must be used exclusively for the construction of seawalls and appurtenances thereto on the water front of the city and county of San Francisco. Drafts and warrants upon said fund shall be drawn upon and shall be paid out of said fund in the same manner as drafts and warrants are drawn upon and paid out of the San Francisco harbor improvement fund.

"San Francisco Seawall Fund" created.

SEC. 5. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "San Francisco Seawall Sinking Fund" shall be and the same is hereby created, as follows: The state treasurer shall, on the first day of each and every month after the sale of said bonds, take from the San Francisco harbor improvement fund such sum as, multiplied by the time the bonds then sold and outstanding have to run, will equal the principal of the bonds sold and outstanding at the time said treasurer shall so take said sum from said San Francisco harbor improvement fund, less the amount theretofore taken therefrom for said purpose; and he shall place the sum in the San Francisco seawall sinking fund created by this act. Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of bonds of the United States, or of the State of California, or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to the monthly interest then due on all bonds then sold, delivered and outstanding. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage and cranage, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section two thousand five hundred and twenty-six of the Political Code of the State of California. Between the first and the tenth day of November, in the year nineteen hundred and fourteen, and between the first and the tenth day of November of each year thereafter until the maturity of said bonds, the said treasurer shall, in the presence of the governor, proceed to draw

Sinking fund created.

Purchase of public bonds.

Means provided for payment of interest.

Arbitrary drawing of bonds for cancellation.

by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund at that time, and shall thereupon and before the tenth day of December following, give notice by public advertisement to be inserted twice a week for two weeks in two newspapers published in the city and county of San Francisco, and also in one newspaper published in the city of Oakland, and also in one newspaper published in the city of Los Angeles, and also in one newspaper published in the city of Sacramento, stating the number of bonds so drawn and that the principal of said bonds will be paid on presentation to the treasurer on or before the second day of January, following, and that from and after such last named date all interest upon bonds thus drawn shall cease and it shall be the duty of the treasurer as soon as said bonds so drawn by lot are surrendered to him and paid to cancel the same and the interest coupons thereon, and each year beginning with the year 1914 the said treasurer shall, in the manner aforesaid, proceed to draw by lot such an amount of bonds as shall be requisite to exhaust as nearly as may be the amount in said sinking fund, and proceed in the manner hereinabove stated. After the payment of all of said bonds, the surplus or balance remaining in said sinking fund, if any there be, shall forthwith be paid into the San Francisco harbor improvement fund. At the time of the respective drawings by lot as aforesaid, and also at the maturity of said state bonds, said treasurer shall sell the United States or other bonds then in said sinking fund, at governing market rates, after advertising the sale thereof in the manner hereinbefore provided for the sale of bonds hereby authorized to be issued, and shall use the proceeds for the payment of such bonds as may be drawn by lot, and at the maturity of said bonds outstanding shall pay and redeem said matured outstanding bonds out of said moneys in said fund in extinguishment of said bonds on controller's warrants duly drawn for that purpose.

Controller and treasurer to make annual report to governor.

SEC. 6. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney-general, or a committee of either branch of the legislature, or a joint committee of both, or any citizen of the state.

Interest payments.

SEC. 7. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

When act effective.

SEC. 8. This act, if adopted by the people, shall take effect on the thirty-first day of December, A. D. nineteen hundred and four, as to all its provisions except those relating to and

necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 9. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be holden in the month of November, A. D. nineteen hundred and four; and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the San Francisco Seawall Act," and in a separate line under the same the words "Against the San Francisco Seawall Act," and opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against the said act, and those voting for said act shall do so by placing a cross opposite the words "For the San Francisco Seawall Act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the San Francisco Seawall Act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Shall be submitted to the people for ratification.

SEC. 10. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act, then the same shall be and become void.

Canvass of votes.

SEC. 11. This act may be known and cited as the "San Francisco Seawall Act."

Name of act.

SEC. 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

## CHAPTER CCXII.

*An act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets and franchises, with any other like associations or corporations, either created under the laws of the State of California or under the laws of any other state or territory.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code of the State of California, numbered section 605, to read as follows:

Corporations other than for profit may consolidate debts, etc.

Must give public notice.

New articles must be filed.

605. Any corporation, now or hereafter organized for purposes other than profit, may consolidate its debts, property, assets and franchises, with any other like association or corporation, either created under the laws of the State of California or under the laws of any other state or territory, in such manner as may be agreed upon by the respective boards of directors, or trustees, of such corporations; *provided, however*, that no such consolidation shall take place without the written consent of three fifths ( $\frac{3}{5}$ ) of the boards of directors, or trustees, of each of the corporations so consolidating, and such consolidation must not in any way relieve either of the corporations parties to it from any or all just debts or liabilities; *provided, further*, that in case of any such consolidation, due notice of the same must be given by advertisement published for one month in at least one newspaper published at the place of the principal business of each of the corporations so consolidating. When their consolidation is completed, a copy of the new articles of incorporation must be filed with the secretary of state, in the same manner as the original articles of incorporation are required to be filed.

SEC. 2. This act shall take effect immediately.

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### CHAPTER CCXIII.

*An act authorizing the state surveyor-general to furnish his office and vault therein, and making an appropriation therefor.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Metallic furnishings for office of surveyor-general.

SECTION 1. The state surveyor-general is hereby authorized to furnish his office in the state capitol with modern metallic filing and book cases; to furnish the vault in his office with modern metallic fixtures, and such other furnishings, fixtures, and repairs in the said office and vault therein, as he may deem necessary for the proper transaction of the business of his office and the better protection of moneys, books, bonds, vouchers, papers and documents committed to his official care.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose herein authorized, the sum of five thousand dollars, or so much thereof as may be necessary.

SEC. 3. The state board of examiners shall examine, audit, and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall be exempt from the provisions of an act approved March twenty-third, eighteen hundred and seventy-six, relating to erections and buildings. Exemption.

SEC. 5. This act shall be in force and take effect from and after January first, nineteen hundred and four.

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CHAPTER CCXIV.

*An act to repeal an act, entitled "An act concerning the fees of jurors and witnesses in the city and county of San Francisco," approved February 27th, 1866.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act entitled "An act concerning jurors and witnesses in the city and county of San Francisco," approved February 27th, 1866, is hereby repealed. Act concerning jurors repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

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CHAPTER CCXV.

*An act to amend section three hundred and seven of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and seven of the Civil Code is hereby amended so as to read as follows:

307. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name, as provided in section three hundred and twelve of this code, for as many persons as there are directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit. The provisions of this section, so far as it relates to cumulative voting, shall apply to all corporations and associations doing business in this state, having a capital stock or shares of stock, and electing directors by a meeting of stockholders held in this state, whether such corporations or associations are organized under the laws of this Elections of directors; how conducted. Cumulative voting shall not be denied.



state or not and no election for directors of any corporation or association, doing business in this state, and electing directors in this state, shall be valid, if the right of a stockholder to cumulate his shares as herein provided shall be denied. In corporations having no capital stock, each member of the corporation may cast as many votes for one director as there are directors to be elected, or may distribute the same among any or all the candidates. In any case the director receiving the highest number of votes shall be declared elected. The provisions of this section, so far as it relates to cumulative voting, shall not apply to literary, religious, scientific, social or benevolent societies, having no capital stock or shares unless it shall be so provided in their by-laws or rules.

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## CHAPTER CCXVI.

*An act to amend section 321a, relating to the removal by corporations of their principal places of business, of an act entitled "An act to establish a Civil Code," approved March 21st, 1872.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 321a of the act entitled "An act to establish a Civil Code," approved March 21, 1872, is hereby amended so as to read as follows:

Change of  
principal  
place of  
business:  
procedure.

321a. Every corporation that has been or may be created under the general laws of this state may change its principal place of business from one place to another in the same county, or from one city or county to another city or county within this state. Before such change is made, the consent in writing, of the holders of two-thirds of the capital stock of the corporation must be obtained and filed in its office. When such consent is obtained and filed, notice of the intended removal or change must be published, at least once a week, for three successive weeks, in some newspaper published in the county, wherein said principal place of business is situated, if there is one published therein; if not, in a newspaper of an adjoining county, giving the name of the county or city where it is situated and that to which it is intended to remove it. Whenever any such change is made, a copy of the resolution or action of the board of directors authorizing the same together with a copy of an affidavit of the publication above required, all duly certified by the president and secretary of the corporation with the corporate seal affixed shall be filed in each office where the original articles of incorporation are, or any copy thereof is required to be filed. This section shall not be construed to require such consent, notice or publication in the case of any such removal from one location to another in the same city, town or village.

## CHAPTER CCXVII.

*An act to amend section seventy, relating to the solemnization of marriages, of an act entitled "An act to establish a Civil Code," approved March 21st, 1872.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventy of the act entitled "An act to establish a Civil Code," approved March 21st, 1872, is hereby amended so as to read as follows:

70. Marriage may be solemnized by either a justice of the supreme court, judge of the superior court, justice of the peace, judge of any police court, city recorder, priest, or minister of the gospel of any denomination. By whom marriage may be celebrated.

## CHAPTER CCXVIII.

*An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state board of health, under the direction of the governor, for the prevention of the introduction of Asiatic cholera, bubonic plague, smallpox or other contagious or infectious disease into this state, and for their investigation and suppression in case of their origin or introduction. The claims for such expenditures must be audited by the board of examiners, except that when, in the opinion of the governor, an emergency arises which demands or necessitates the immediate use of money for the purposes herein provided, the controller must draw his warrant in the name of the governor, without such audit, on account of the sum hereby appropriated, upon the order of the governor, in such sums, from time to time, not exceeding one thousand dollars (\$1,000.00) at any one time, as he may direct. In cases where sums are so drawn upon the order of the governor, without audit by the board of examiners, vouchers must be thereafter filed with the controller, showing the manner and the purposes for which such sums have been expended. Appropriation for prevention of contagious diseases in the state.

SEC. 2. This act takes effect immediately.

## CHAPTER CCXIX.

*An act to amend the Civil Code, by adding thereto a new section to be numbered 300a, relating to corporations.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code, to be numbered 300a, to read as follows:

Copy of  
decree to  
be filed  
with secre-  
tary of  
state.

300a. Every corporation which has changed its name under the provisions of sections 1275, 1276, 1277, 1278 and 1279, of the Code of Civil Procedure, must file in the office of the secretary of state, a certified copy of the decree of the court, changing such name.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXX.

*An act to amend an act entitled "An act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section nineteen hundred and seventy of the Civil Code of the State of California is hereby amended so as to read as follows:

When em-  
ployer not  
bound to  
indemnify  
employé.

1970. An employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless the negligence causing the injury was committed in the performance of a duty the employer owes by law to the employé, or unless the employer has neglected to use ordinary care in the selection of the culpable employé.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXXI.

*An act to amend section eleven hundred and three of the Political Code, relating to preservation of affidavits of registration.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven hundred and three of the Political Code is hereby amended to read as follows:

1103. The clerk must preserve all affidavits made before himself or his deputies for the purpose of procuring registration, for at least five years from the dates thereof. After said affidavits and duplicates shall have been preserved for five years, upon order of the board of supervisors, they may be destroyed.

Clerk must preserve affidavits of registration.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXXII.

*An act to amend section one thousand and ninety-five of the Political Code of the State of California, relating to the registration of voters.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand and ninety-five of the Political Code of the State of California, is hereby amended so as to read as follows:

1095. In the register of voters the clerk must, as herein-after provided, enter the names of the qualified electors of the county, and the provisions of section one thousand and ninety-six of this code are hereby declared to be mandatory. Any officer charged with the registration of voters who neglects or refuses to make all of the entries provided for in section one thousand and ninety-six of the Political Code, or neglects or refuses to take the oath of the voter applying to him for registration in respect to the same, shall, upon conviction, be deemed guilty of a misdemeanor for each and every such omission.

Names of electors must be entered in register.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXXIII.

*An act to amend section twelve hundred and seventy-five of the Civil Code, relating to testamentary dispositions to corporations.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twelve hundred and seventy-five of the Civil Code of California is hereby amended to read as follows:

Who may  
take by  
will.

1275. A testamentary disposition may be made to any person capable by law of taking the property so disposed of, except corporations other than those formed for scientific, literary, or solely educational or hospital purposes, cannot take under a will, unless expressly authorized by statute.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXXIV.

*An act to amend an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Sections one and four of an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March twenty-third, eighteen hundred and ninety-three, are hereby amended so as to read as follows:

Veterinary  
medicine  
and sur-  
gery; re-  
strictions  
on prac-  
tice.

Section 1. It shall be unlawful for any person or persons to practice veterinary medicine and surgery in the State of California without having previously obtained a diploma from a college duly authorized to grant such to students in veterinary medicine and surgery, or to those who have passed satisfactory examinations before the state veterinary medical board, as hereinafter provided for; *provided*, that nothing in this act shall prevent the medical or surgical treatment of stock by the owners or the employés of owners, or by neighbors who do not assume to be practitioners of veterinary medicine or surgery.

Examina-  
tions and  
certifi-  
cates.

Section 4. All examinations of persons not graduates shall be made directly by the state veterinary medical board, and the certificates given by said board shall authorize the possessor to practice veterinary medicine and surgery in the State of California. All examinations of ungraduated practitioners

must take effect before the eighteenth day of September, nineteen hundred and three; after that date no certificates shall be granted except to persons presenting diplomas from legally chartered colleges.

## CHAPTER CCXXV.

*An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Every lot, parcel, or package of commercial fertilizers or materials to be used for manurial purposes (excepting the dung of domestic animals), sold, offered, or exposed for sale, within this state, shall be accompanied by a plainly printed label, stating the name, brand, and trademark, if any there be, under which the fertilizer is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis, stating the percentages claimed to be therein; of nitrogen, specifying the form or forms in which it is present; of phosphoric acid, available and insoluble; and of potash, soluble in distilled water, and the materials from which all of said constituents are derived. All analyses are to be made according to the methods agreed upon by the American Association of Official Agricultural Chemists. In the case of those fertilizers, the selling price of which is less than eight dollars (\$8) per ton, said label need only give a correct general statement of the nature and composition of the fertilizer it accompanies.

Commer-  
cial fertil-  
izers shall  
be labeled.

SEC. 2. No person shall sell, offer, or expose for sale in this state, any pulverized leather, hair, ground hoofs, horns, or wool waste, raw, steamed, roasted, or in any form as a fertilizer, or as an ingredient of a fertilizer or manure, without an explicit statement of the fact; said statement to be conspicuously affixed to every package of such fertilizer or manure, and to accompany and go with every lot, parcel, or package of the same.

Explicit  
statement  
must be  
affixed.

SEC. 3. The manufacturer, importer, agent of, or dealer in any commercial fertilizers, or materials used for manurial purposes, the selling price of which to the consumer is eight (\$8) dollars or more per ton, shall, before the same is offered for sale, obtain a certificate of registration from the secretary of the board of regents of the University of California, countersigned by the director of the agricultural experiment station of the said university, authorizing the sale of fertilizers in this state, and shall securely fix to each lot, parcel, or package

Certificate  
of registra-  
tion re-  
quired.

of fertilizer the word "registered" with the number of registry. The manufacturer, importer, agent, or dealer obtaining such registry, shall pay to the said secretary the sum of fifty (\$50) dollars, to be applied as provided in section nine of this act; such registration shall expire on the thirtieth day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to any agent whose principals shall have obtained a certificate of registration as herein provided. Every such manufacturer, importer, agent, or dealer, who makes or sells, or offers for sale, any such substances, under a name or brand, shall file, on or before the first day of July, in each year a statement, under oath, with said director, stating such name or brand, and stating the component parts in accordance with the provisions of section one of this act, of the substances to be sold, or offered for sale, or manufactured under each such name or brand.

Analyses  
to be made.

SEC. 4. The said director shall annually, on or before the first day of September, take samples in accordance with the provisions of section five hereof of the substance made, sold, or offered for sale, under every such name or brand, and cause analyses to be made thereof in accordance with the provisions of section one hereof, and said analyses may include such other determinations as said director may at any time deem advisable. Dealers in, or manufacturers of fertilizers, must give free access to the director of the agricultural experiment station, or his duly authorized deputy, to all the materials which they may place on the market for sale in California. Whenever the analysis certified by the said director shall show a deficiency of not more than one fourth of one per cent of nitrogen, or one per cent of soluble or available phosphoric acid, or one half of one per cent of potash soluble in distilled water, the statement of the manufacturer or importer, as required in section one of this act, shall not be deemed to be false in the meaning of this act; *provided*, that this act shall not apply to sales of fertilizing materials made to a registered manufacturer of fertilizers, or to sales for export outside of this state; *provided further*, that the said director of the agricultural experiment station of the University of California shall, upon the receipt of a sample of fertilizer, accompanied with a nominal fee of two (\$2) dollars, furnish to the user of said commercial fertilizer, such examination or analysis of the sample as will substantially establish the conformity or non-conformity of the said fertilizer to the guarantee under which it was sold.

How users  
may obtain  
analyses.

Samples to  
be kept by  
party  
whose  
stock is  
sampled,  
and by  
university.

SEC. 5. The director of the agricultural experiment station of the University of California, in person or by deputy, is hereby authorized to take a sample not exceeding two pounds in weight for analysis by the said director, or his deputies, from any lot, parcel, or package of fertilizer, or material, or mixture of materials used for manurial purposes, which may be in the possession of any manufacturer, importer, agent, or dealer, but said sample shall be drawn in the presence of said party or parties in interest, or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or,

if less than ten packages are present, all shall be sampled; in lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing; and said label shall also be signed by the said director or his deputy making such inspection, and by the party or parties in interest, or their representatives present at the drawing and sealing of said samples. One of said duplicate samples shall be retained by the party whose stock was sampled, and the other by the director of the agricultural experiment station of the University of California.

SEC. 6. The director of the agricultural experiment station of the University of California shall publish in bulletin form, from time to time, at least annually, the results of the analyses hereinbefore provided, with such additional information as circumstances may advise.

Results of analyses to be published.

SEC. 7. There is hereby appropriated for the use of the agricultural experiment station of the University of California at Berkeley, Alameda county, as set forth in this act, out of any moneys in the treasury not otherwise appropriated, the sum of eighteen hundred (\$1,800) dollars for the equipment of a laboratory, with the chemicals and apparatus, and other incidentals necessary to the successful prosecution of the work.

Appropriation for laboratory.

SEC. 8. In order to further provide for the necessary expenses of this work, there shall be paid by the manufacturer, importer, agent, or dealer, twenty-five cents for every ton of fertilizer sold, the selling price of which to the consumer is eight (\$8) dollars or more per ton. A statement sworn to by the manufacturer, importer, agent, or dealer, of such sales, shall be rendered quarterly to the secretary of the board of regents of the University of California, accompanied by the corresponding amount of the special license fee as above specified; *provided*, that whenever the manufacturer or importer shall have paid the special license fee herein required, for any person acting as agent or seller for such manufacturer or importer, such agent or seller shall not be required to pay the special license fee named in this section. On receipt of said special license fee and statement, the said secretary shall issue to the manufacturer, importer, agent, or dealer, a certificate of compliance with this section.

License fee and statement.

SEC. 9. All moneys, whether received from registry and analytical fees or special license fees, shall be paid to the secretary of the board of regents of the University of California, for the use of said board in carrying out the provisions of this act.

Disposition of fees.

SEC. 10. Any party selling, offering, or exposing for sale, any commercial fertilizer without the statement required by section one of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the con-

Violation of act a misdemeanor.



stituents mentioned in said section than is actually contained therein, except as provided for in section four, or respecting the sale of which all the provisions of this act have not been fully complied with, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in a sum not less than fifty (\$50) dollars and costs of action for the first offense, and one hundred (\$100) dollars and costs of the action for each subsequent offense. Said fines to be paid into the school fund of the county in which conviction is had.

Certificate  
is prima  
facie evi-  
dence of  
analysis.

SEC. 11. In any action, civil or criminal, in any court in this state, a certificate under the hand of said director, and the seal of said university, stating the results of any analysis, purporting to have been made under the provisions of this act, shall be prima facie evidence of the fact that the sample or samples mentioned in said analysis or certificate were properly analyzed as in this act provided; that such samples were taken as in this act provided; that the substances analyzed contained the component parts stated in such certificate and analysis; and that the samples were taken from the parcels or packages or lots mentioned or described in said certificate.

SEC. 12. This act shall take effect and be in force from and after July first, nineteen hundred and three.

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## CHAPTER CCXXVI.

*An act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this act.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Creation of  
voting ma-  
chine com-  
mission.

SECTION 1. 1. The governor, secretary of state and attorney-general, and their successors in office are hereby created and constituted the state commission on voting or ballot machines. It shall be the duty of said commissioners to examine all voting or ballot machines which may be offered for their inspection in order to determine whether such machines comply with the requirements of this act, and can safely be used by voters at elections under the provisions of this act; and no machine or machines shall be provided by the board of supervisors, or other board having charge and control of elections in each of the

counties, and cities and counties, cities or towns of the state, unless the said machine or machines shall have received the approval of a majority of said commission as herein provided.

2. Any machine or machines which shall have the approval of a majority of said commission may be provided for use at elections by the boards authorized so to do under the provisions of this act. The report of said commission on each and every kind of voting or ballot machine shall be filed with the secretary of state within thirty days after their examination of said machines, and the secretary of state must within five days after the filing of any report approving any machine or machines, transmit to the boards of supervisors or other boards having charge and control of elections in each of the counties and cities and counties, cities or towns of the state, a list of the machines so approved.

What machines may be used.

Duty of secretary of state.

3. No machine or machines shall be used unless such machine or machines shall have received the approval of the state commission at least ninety days prior to any election at which such machine or machines are to be used.

Approval must be ninety days before election.

4. For carrying out the provisions of this act the members of the state commission under this act shall be allowed their actual necessary expenses.

Expenses of commission.

SEC. 2. The board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the state, may at any regular meeting, or at any special meeting called for the purpose, provide for and require the use of a voting or ballot machine, or machines for receiving and registering the vote at any or all elections held in such county, city and county, city or town, respectively, or in any one or more precincts thereof, and every such board of supervisors, or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns of the state, may determine upon and require the use of voting or ballot machines at any and all elections to be held within such county, city and county, city or town of the state, or in one or more precincts thereof, and thereupon the voting or ballot machine or machines so determined upon and required shall be used in voting for all public officers to be voted for by the voters of such counties, cities and counties, cities or towns of the state, or in the precinct or precincts thereof, for which the same shall have been so determined upon and required, and also in voting upon all amendments to the constitution, and upon all laws or propositions or questions which may be lawfully submitted to such voters, and for receiving and registering the votes cast at any and every such election.

Supervisors may provide and require use of voting machine

SEC. 3. In purchasing the necessary voting or ballot machines to be used at elections, as herein provided, the boards of supervisors of the several counties, and the legislative bodies of the incorporated cities and towns therein, may, by agreement, entered into by said board of supervisors and the legislative body of any incorporated city or town in such county, provide for the joint purchase and subsequent

Joint ownership.

ownership thereof, and for the care, maintenance and use of the same.

Require-  
ments of  
machines.

SEC. 4. No voting or ballot machine shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations as may make nominations for office and for and against as many different propositions or amendments as may be submitted; nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office; it must enable the voter to vote and select a ticket all from the nominees of one party or a ticket selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket; such machines must also secure to the voter privacy and secrecy in the act of voting; such machines must also be so constructed that a voter cannot vote for a candidate or a proposition or amendment for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; and allow of his reversing his vote in case of mistake or desire to change; and such machines must be so constructed that all votes cast for any person voted for, or for or against any proposition or amendment submitted to the voters shall be accurately registered or recorded, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitution and laws of this state.

Number of  
machines  
to be sup-  
plied.

SEC. 5. The board of supervisors or other board having charge and control of elections adopting a voting or ballot machine shall, as soon as practicable thereafter, provide for such polling place or places, as they may determine, one or more voting machines in complete working order and also such other accessories as may be required for the practical working of the machine and shall thereafter preserve and keep the machines in repair, and shall have the custody of the furniture and equipment. If it shall be impracticable to supply each and every election district with a voting or ballot machine or machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election precincts within the county, or city and county, city, or town, as the board having control may direct.

Instruc-  
tions to  
voters.

SEC. 6. All necessary stationery and instructions to voters shall be delivered to the boards of election of each election precinct not later than twenty-four hours next preceding the election.

SEC. 7. Tally lists shall be so prepared that the results of such election may be clearly and accurately set forth and certified to by the officers of election.

Tally lists.

SEC. 8. The precinct boards of election of each precinct shall meet at the polling place therein, at least one hour before the time set for the opening of the polls at each election, and shall proceed to arrange within the guard-rail the furniture, stationery, and voting or ballot machine for the conduct of the election. The inspectors of election shall then and there have the voting or ballot machine, instructions to voters, and stationery required to be delivered to them for such election. The inspectors shall thereupon cause at least two instruction cards to be posted conspicuously within the polling place. If not previously done, they shall adjust the voting or ballot machine so as to record and register the votes to be cast at such election, and adjust the registering and recording device of such machine so as to start at zero, and the same shall be subject to the inspection of the public before the opening of the polls.

Duty of election board.

SEC. 9. The exterior of the voting or ballot machine and every part of the polling place shall be in plain view of the election officers and public. The voting or ballot machines shall be placed at least three feet from every wall and partition of the polling place, and at least three feet from the guard-rail. A guard-rail shall be constructed at least three feet from the machine, with openings to admit electors or officers of election to and from the machine.

Machine to be in plain view.

SEC. 10. After the opening of the polls, the inspectors shall not allow any voter to pass within the guard-rail until they ascertain that he is duly entitled to vote. The operation of voting by an elector while voting shall be secret and obscured from all other persons, except as provided in cases of voting by assisted electors. No voter shall remain within the voting or ballot machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes he may be removed by the inspectors.

Time allowed to vote.

SEC. 11. As soon as the polls of the election are closed the inspectors of election thereat shall immediately lock the voting or ballot machine against voting, and, in the presence and full view of the public who may be lawfully within the polling place, proceed to demonstrate and declare the result of such election as registered or recorded or received by the machine. As such result is so ascertained and declared the clerks shall record it and at its completion, submit their records to the inspectors and judges for examination, and if found to be correct the inspectors shall at once announce the same, and make returns as provided by law.

Declaration of result.

SEC. 12. The inspectors of election shall, as soon as the result is fully ascertained and declared, as in the preceding section required, lock the machine so that the record of each election shall be preserved for the period of six months following such election, except in cases where the machine is required for use in a subsequent election during such period, in which case the board

Record of election to be preserved six months.

of supervisors or other board having charge and control of elections shall inspect the registering or recording and receiving device of the machines and file a report of said inspection with the county clerk or registrar of voters. Said report of said board when so certified and filed shall be prima facie evidence of the vote at such election. Any supplementary or duplicate record of an election, which may be furnished by a machine, shall be preserved by the county clerk or registrar of voters for one year following such election.

Misconduct at elections.

SEC. 13. The provisions of the law relating to misconduct at elections shall apply to elections with voting or ballot machines.

Election precincts.

SEC. 14. For any election in any county, city and county, city or town, in which voting or ballot machines are to be used, the election precincts in which such machines are to be used may be created by the officers charged with the duty of creating election precincts, so as to contain not to exceed six hundred votes each.

Official ballot.

SEC. 15. The list of candidates used or to be used on the voting or ballot machine shall be deemed an official ballot under this act for an election precinct in which a voting or ballot machine is used, pursuant to law. The word "ballot" as used in this act (except when reference is made to independent ballots) means that portion of the cardboard, or paper, or other material within the ballot frames, containing the name of the candidate for office, or a statement of a proposed constitutional amendment, or other question or proposition with the word "for" or the word "against," or "yes" or "no."

Election officers.

SEC. 16. The provisions of section eleven hundred and forty-two of the Political Code shall apply where voting or ballot machines are used.

General election laws to govern.

SEC. 17. All laws and parts of laws of this state relating to elections and prescribing the powers and duties of election officers, shall, so far as applicable to the use of voting or ballot machines, remain in full force and effect; and all laws and parts of laws inconsistent herewith, shall not be applicable in each county, city and county, city or town election precinct wherein such voting or ballot machines are used, pursuant to this act, so long as such voting or ballot machine or machines shall be used therein, and nothing in this act contained shall be construed as repealing any existing law or authorizing any deviation or omission therefrom, except as provided for or set forth herein.

Violation of act a felony.

SEC. 18. Any willful violation of any provision of this act or any willful injury to any voting or ballot machine tending to injure its effectiveness or to change the true expression given by the voters at any election shall be a felony and punishable as such, in accordance with the provisions of the Penal Code of the state.

SEC. 19. This act shall take effect immediately.

## CHAPTER CCXXVII.

*An act to amend section 11 of an act entitled "An act to define the duties of and to license land surveyors," approved March 31, 1891.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eleven of an act entitled "An act to define the duties of and to license land surveyors," approved March thirty-first, eighteen hundred and ninety-one, is hereby amended to read as follows:

Section 11. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads, or trails, original cemetery or town sites, and their subdivisions, has been made by a licensed surveyor, he shall file with the recorder of the county in which such survey or any portion thereof lies, a record of survey. Such record shall be made in a good draughtsman-like manner, on one or more sheets of firm paper of the uniform size of twenty-one by thirty inches. This record of survey shall be either an original plat or a copy thereof, and must contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of survey must show: All permanent monuments set, describing their size, kind, and location with reference to the corners which they are intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses, and lengths of boundary lines; the angles, as measured by Vernier readings, which the lines of blocks or lots, if the record relate to an original townsite survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map; the date of survey; a proper connection with one or more points of an original or larger tract of land, and the name of the same; the name of the grant or grants, or of the townships and ranges within which the survey is located; the signature and seal of the surveyor; *provided*, that nothing in this section shall require a record to be made of surveys of a preliminary nature where no monuments or corners are established; *provided further*, that if the survey can be as well described in writing, or by a small diagram, or by both, the surveyor shall file with said recorder a record of such a survey, either in writing or by diagram, or by both writing and diagram. Such record shall be on one or more sheets of writing paper, drawing paper, or cloth, of a uniform size of eight by twelve and one half inches, and shall contain all the data as required on the larger record as described above; *provided further*, that if the survey

Record of surveys.

What record must show.

Diagram may be filed.

Retrac-  
ings.

relate to the retracing of lines of lots or tracts of land of which a map or plat is already on file in said recorder's office, and no changes are made in dimensions or angles, by the resurvey, from those given on said map or plat, the surveyor shall not be required to file a record of such a survey.

## CHAPTER CCXXVIII.

*An act to amend section one of an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March twenty-third, eighteen hundred and ninety-three,' approved March ninth, eighteen hundred and ninety-seven," which became a law March fourteenth, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Section 1. Section one of an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds, approved March twenty-third, eighteen hundred and ninety-three," approved March ninth, eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

Tax on col-  
lateral in-  
heritances.

Section 1. All property which shall pass, by will or by the intestate laws of this state, from any person who may die seized or possessed of the same while a resident of this state, or if such decedent was not a resident of this state at the time of death, which property, or any part thereof, shall be within this state, or any interest therein or income therefrom which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, other than to or for the use of his or her father, mother, husband, wife, lawful issue, the wife or widow of a son, or the husband of a daughter, or any child or children adopted as such in con-

formity with the laws of the State of California, or to any person to whom the deceased, for not less than ten years prior to death, stood in the mutually acknowledged relation of a parent, or to any lineal descendant of such decedent born in lawful wedlock, or any lineal ancestor, or the societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled in possession or expectancy, to any such property, or to the income thereof, shall be and is subject to a tax of five dollars on every hundred dollars of the market value of such property, and at a proportionate rate for any less amount, to be paid to the treasurer of the proper county, as hereinafter defined, for the use of the state; and all administrators, executors and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed; *provided*, that an estate which may be valued at a less sum than five hundred dollars shall not be subject to such duty or tax.

SEC. 2. The exemptions contained in this act shall apply to all property which has passed, by will, succession, or transfer, since the approval of the act of which this act is amendatory, except in those cases where the tax has been paid to the treasurer of the proper county. Exemptions.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXXIX.

*An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, doing business in this state directly or through any agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this state or to change from any place in any state, territory, or country to any place in this state, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind False representations of conditions of employment.



or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or the existence or non-existence of any strike, lockout, or other labor dispute affecting it and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employé is sought.

Penalty. SEC. 2. Any violation of section one or section two hereof shall be deemed a misdemeanor, and shall be punished by a fine of not exceeding two thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 3. This act shall take effect on the date of its passage.

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### CHAPTER CCXXX.

*An act to amend section 2527 of the Political Code relating to the powers of the state harbor commissioners.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two thousand five hundred and twenty-seven (2527) of the Political Code is hereby amended to read as follows:

Contracts;  
when  
valid.

2527. No contract or obligation entered into by the harbor commissioners, which creates a liability or authorizes the payment of money, shall be valid or of binding force unless signed by all three of the commissioners, and countersigned by the secretary of the board; nor shall any contract, involving the payment of money, be made by the said commissioners unless the amount then to the credit of the harbor improvement fund, together with the revenue estimated to accrue up to the time of the maturity of such contract, over and above the current expenses of the commission, be sufficient to meet the payments to become due thereon; *provided*, such estimate of revenue shall be limited, as to time, to fifteen (15) years. Where the work to be done is the construction of a new wharf, bulkhead, or breakwater and its appurtenances, the board may lease said wharf, bulkhead, or breakwater and its appurtenances for a period not to exceed fifteen years, and for an amount not to exceed the cost of constructing said work, the rents therefrom to be applied, in whole or in part, in payment for the cost of such construction, and said board may provide in the contracts for the same that the rents therefrom shall be so applied, or the work be paid for, in whole or in part, from such rents and revenues.

Construction  
of  
new work.

Leases.

SEC. 2. All leases hereunder shall be made upon competitive bids after such public advertisement as the commissioners

shall deem sufficient, inviting proposals or bids therefor, and shall be awarded to the person who will pay the amount required to construct such improvement, and execute and take a lease thereof for the shortest period of such time.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CCXXXI.

*An act to amend sections four (4), five (5), eight (8), nine (9), ten (10), eleven (11), twelve (12), and thirteen (13) of an act approved March 29, 1897, entitled "An act to amend an act approved March 26, 1895, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,' " as amended March 23, 1901.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four (4) of an act approved March twenty-ninth, eighteen hundred and ninety-seven, entitled "An act to amend an act approved March twenty-sixth, eighteen hundred and ninety-five, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,'" is hereby amended to read as follows, viz.:

Section 4. In addition to the powers hereinbefore granted to said board, it shall have the power, (1) to provide for the payment of its necessary expenses, such as printing, stationery, and postage stamps; and where the number of those subject to the burdens of this act is greater than one hundred, it may employ a clerk at a salary not to exceed fifty (50) dollars per annum; and (2) to make such needful rules and regulations for the transaction of its business, from time to time, as may be necessary; the said expenses and the said clerk's salary shall be paid from the annuity fund in such counties or consolidated cities and counties, wherein there shall be "annuity funds," but, wherever there shall be no "annuity fund," the said expenses shall be paid from the "distribution fund," and the said salary from the reserve fund.

Expenses  
of board.

How paid.

SEC. 2. Section five (5) of the act designated in section one hereof is hereby amended to read as follows, viz.:

Section 5. Those subject to the burdens of this act in each county, or in each consolidated city and county, at a meeting called for the purpose by the superintendent of public schools of such county or of such city and county, on the first Saturday in May following the creation of the fund hereinafter specified, shall elect by ballot five of their number, who shall constitute a committee on retirement; the members of said

Committee  
on retire-  
ment.

committee shall, immediately after their election, classify themselves by lot so that one shall serve for one year, two serve for two years, and two shall serve for three years; and, annually, at a meeting to be called in the same manner on the first Saturday in May of each year after the first meeting, the successor or successors of the member or members of said committee whose term of office is about to expire, shall be elected for a term of three years; *provided, however,* that said committee shall always consist of at least one class teacher from some primary school, one from some grammar school, and one from some high school in the county, or consolidated city and county, whenever such election is possible. In the event of a vacancy, the superintendent of schools shall appoint until the next annual election.

Personnel  
of com-  
mittee.

Selection  
of alterna-  
tives pre-  
sented in  
Section 8.

Within fifteen days after the taking effect of this amendatory act, the contributors to said fund in any county, or consolidated city and county, in this state, at a meeting called for that purpose, by the superintendent of public schools of such county, or consolidated city and county, (or if he neglects or refuses to call such meeting, then such meeting may be called by ten of such contributors,) may select and designate by resolution adopted by a majority vote of those present, which of the two alternatives presented in section 8 class two, in section 8 class six, in section 8 class seven, and in section 11, respectively, shall be followed in such county or consolidated city and county.

In the event that no such meeting is called or held for the purpose of making such selection and designation, the said contributors in such county, or consolidated city and county, wherein no such meeting shall be held, will be deemed to have selected the first (marked subdivision "A") of each of the above mentioned alternatives.

In counties and consolidated cities and counties where a public school teachers' annuity and retirement fund shall be hereafter created the said selection and designation shall be made at the said meeting to be held on the first Saturday in May following the creation of said fund. After any selection and designation shall have been made, pursuant to this section, no change shall ever be made thereafter in that connection. A certified copy of all resolutions adopted pursuant to this section shall be furnished by said meeting of said contributors to the board of public school teachers' retirement fund commissioners of such county or consolidated city and county.

SEC. 3. Section eight of the act designated in section one hereof is hereby amended to read as follows, viz.:

Contribu-  
tors.

Section 8. Any public school teacher or any occupant of one of the offices mentioned in subdivision four of section twelve of this act, who has been a contributor under the provisions of this act, and who has ceased teaching, for a time, or has ceased to occupy such office, may again become a contributor upon returning to teaching in the public schools of this state, or upon becoming an occupant of any one of the offices mentioned in said subdivision four of section twelve, and shall thereupon

be credited with his said previous service and contribution; *provided*, that no person shall be a contributor to a public school teachers' annuity and retirement fund under this act who does not hold a valid certificate or diploma to teach in the public schools of this state.

The annuitants under this act are classed as follows:

Classification of annuitants.

ANNUITANTS.

*Class One.* Any teacher who shall have served in the public schools of this state for thirty years as a teacher, and who shall have been subject to the burdens imposed by this act for thirty years, shall be entitled to retire under the provisions of this act. Class one.

Any teacher who has served in the public schools of this state, and who has served in one or more of the offices mentioned in said subdivision four of section twelve, and the aggregate period of whose service in the said public schools and in said office or offices shall be thirty years, and who shall have been subject to the burdens imposed by this act during said thirty years, shall be entitled to retire under the provisions of this act; *provided, however*, such teacher shall have held a valid certificate or diploma to teach in the public schools of this state during all of said period. Annuitants of class one shall be entitled to receive from the said public school teachers' annuity and retirement fund the sum of thirty (30) dollars per month in counties, and fifty (50) dollars per month in consolidated cities and counties, payable quarterly.

*Class Two.* Any teacher who shall have served in the public schools of this state for thirty years, and who was unable to contribute to said public school teachers' annuity and retirement fund for thirty years, by reason of the non-establishment or non-existence of said fund, and any teacher who shall have served in the public schools of this state, and who shall have served in one or more of the offices mentioned in said subdivision four of section twelve, and the aggregate period of whose service in the said public schools, and in said office or offices, is thirty years, and who has held a valid certificate or diploma to teach in the public schools of this state during all of said period, and who was unable to contribute to said fund for thirty years by reason of the non-establishment or non-existence of said fund, shall be retired upon application to the said board under either subdivision A or subdivision B, hereof, as the contributors to said fund in such county, or consolidated city and county, shall have selected to follow, as provided in section five of this act. Class two.

A. Such applicant upon retirement shall receive from the public school teachers' annuity and retirement fund the sum of thirty (30) dollars per month in counties, and fifty (50) dollars per month in consolidated cities and counties, payable quarterly; *provided*, that such applicant for retirement is, at the date of the taking effect of this amendatory act, a contributor to the public school teachers' annuity and retirement fund in the county or consolidated city and county, where he is teaching or holding such office, or becomes a contributor thereto. First alternative.

within ninety (90) days after he becomes such teacher or such office holder, and shall have paid into the said fund, at the time of such retirement, a sum aggregating what he would have paid into said fund in thirty (30) years, had he been a contributor thereto for that period; *provided, further*, that annuities under this class shall not begin until five (5) years after the retired teacher became a contributor.

Second alternative.

B. Such applicant upon retirement shall receive from the public school teachers' annuity and retirement fund the sum of five (5) dollars per month, payable quarterly, for every two and one half ( $2\frac{1}{2}$ ) years (or fraction thereof equal to or greater than one half of two and one half years) such teacher or office holder shall have contributed to said fund, until the maximum annuity of thirty (30) dollars per month in counties and fifty (50) dollars per month in consolidated cities and counties shall have been reached; *provided*, that such applicant for retirement is, at the date of the taking effect of this amendatory act, a contributor to the public school teachers' annuity and retirement fund in the county, or consolidated city and county where he is teaching or holding such office, or becomes a contributor within ninety (90) days after the taking effect of this amendatory act, or becomes a contributor thereto within ninety (90) days after he becomes such teacher or such office holder.

No person shall be retired under this subdivision unless he shall have paid into said fund, at the time of such retirement, a sum aggregating what he would have paid into said fund in thirty (30) years had he been a contributor thereto for that period.

No teacher or office holder shall be retired until he has been a contributor to the fund for five (5) years.

Class three.

*Class Three.* Any public school teacher who shall have served for thirty years, twenty-five of which shall have been in the public schools of this state, or partly in the public schools of this state and partly in one or more of the offices mentioned in said subdivision four of section twelve, and who shall have been subject to the burdens imposed by this act for twenty-five years, shall receive upon retirement after thirty years of such service, the sum of thirty (30) dollars per month in counties, and fifty (50) dollars per month in consolidated cities and counties, payable quarterly; *provided*, he shall have paid into the said fund, at the time of such retirement, a sum aggregating what he would have paid into said fund in thirty (30) years, had he been a contributor thereto for that period.

Class four.

*Class Four.* Any public school teacher or any officer mentioned in said subdivision four of section twelve, subject to the burdens of this act, who shall remove to another county in this state, may continue to be a contributor to the public school teachers' annuity and retirement fund in the county, or in the consolidated city and county, from which he removed, so long as he continues to be a public school teacher or the occupant of one of said offices; and it is hereby made the duty of the county treasurer of the county, or consolidated city and

county, wherein such teacher or officer agreed to become subject to the burdens of this act, to receive such contributions of such non-residents, and to place such contributions to the credit of the public school teachers' annuity and retirement fund.

*Class Five.* Any teacher who ceases to serve in the public schools of any county, or of any consolidated city and county, or who ceases to serve in one of the offices mentioned in said subdivision four of section twelve, in the county or consolidated city and county, where he has been subject to the burdens imposed by this act, and who shall have served in the public schools of this state for thirty (30) years, or who shall have served partly in the public schools of this state and partly in one or more of the offices mentioned in said subdivision four of section twelve, for an aggregate period of thirty (30) years, shall be entitled to retire, and to receive from the public school teachers' annuity and retirement fund of the county, or consolidated city and county, to which he has contributed for at least five (5) years, an annuity equal to such proportion of the maximum annuity granted under this act as the time he has been subject to the burdens imposed by this act in such county, or consolidated city and county, bears to the period of thirty years. Class five.

*Class Six.* Contributors to said public school teachers' annuity and retirement fund retiring under this class, shall be retired either under subdivision A, or subdivision B hereof, as the contributors to said fund in such county, or consolidated city and county, shall have selected to follow, as provided in section five of this act. Class six.

A. If any teacher, or any office holder mentioned in said subdivision four of section twelve, after the expiration of fifteen (15) years, and before the expiration of thirty (30) years, of service in the public schools of this state, or of service partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, shall be compelled, by reason of incapacity, to retire from public school service, or from one of the offices mentioned in said subdivision four of section twelve, while holding a valid certificate or diploma to teach in the public schools of this state, such retiring teacher, or office holder, if a contributor to the said fund at the time of retirement, shall be entitled to receive, from the public school teachers' annuity and retirement fund, as many thirtieths (30ths) of the full annuity as he has had years of said service, by paying into the public school teachers' annuity and retirement fund the contributions to said fund corresponding to those years of service rendered at a time when, or in a place where, it was impossible to make such contributions by reason of the non-existence of a public school teachers' annuity and retirement fund; *provided*, that he shall have contributed to the said fund for five years before he becomes an annuitant. First alternative.

B. If any teacher or any office holder mentioned in said subdivision four of section twelve, after the expiration of five years, and before the expiration of thirty years of service in the public Second alternative.

schools of this state, or of service partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, shall be compelled by reason of incapacity, to retire from public school service, or from one of the offices mentioned in said subdivision four of section twelve, while holding a valid certificate or diploma to teach in the public schools of this state, such retiring teacher or office holder, if a contributor to the said fund at the time of retirement, shall be entitled to receive from the public school teachers' annuity and retirement fund a sum in dollars equal to such proportion of the maximum annuity granted under this act as the time he shall have been subject to the burdens of this act bears to the period of thirty years; *provided, however*, that those who have served in the public schools of this state, or partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, at a time when, or in a place where, it was impossible to make contributions to said fund, by reason of the non-existence of said fund, may receive in addition to the proportion of the maximum annuity last hereinabove specified, such an additional proportion of the full annuity as the number of years of said service, while not burdened with the provisions of this act, bears to thirty years; *provided, further*, that they shall have paid into the said fund, at the time of their retirement, an amount equal to what they would have paid into said fund had they been subject to the burdens imposed by this act for the full time of said service, not to exceed thirty years; *and provided, further*, that no person retired under this subdivision B shall ever receive a greater annuity than he would have received had he retired on account of years of service; *and provided, further*, that he shall have contributed to the said fund for five years before he becomes an annuitant.

Class  
seven.

*Class Seven.* Contributors to said public school teachers' annuity and retirement fund, retiring under this class, shall be retired under either subdivision A, or under subdivision B, hereof, as the said contributors to said fund in such county, or consolidated city and county, shall have selected to follow, as provided in section five of this act.

First alter-  
native.

A. Any public school teacher who shall have been subject to the burdens imposed by this act, for a period of at least five years, and who shall have served in the public schools of this state for a period of fifteen (15) years, or partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, for a period of fifteen years, and who has held a valid certificate or diploma to teach in the schools of this state during all said period, and who shall have been declared incapacitated, by the committee on retirement, to perform the duties of a public school teacher, or the duties of the office which he may be occupying, if he should be occupying one of the offices mentioned in said subdivision four of section twelve, shall be entitled to retire and to receive an annuity from the public school

teachers' annuity and retirement fund, equal to such proportion of the maximum annuity granted under this act as the time he has been subject to the burdens imposed by this act bears to the period of thirty years.

B. Any public school teacher who shall have been subject to the burdens imposed by this act for a period of five years (5), and who shall have served in the public schools of this state for a period of five (5) years, or partly in the said public schools and partly in one or more of the offices mentioned in said subdivision four of section twelve, for a period of five years, and who has held a valid certificate to teach in the schools of this state during said period, and who shall have been declared incapacitated by the committee on retirement, to perform the duties of a public school teacher, or the duties of the office which he may be occupying, if he should be occupying one of the offices mentioned in said subdivision four of section twelve, shall be entitled to retire, if a contributor to the fund at the time of retirement, and to receive an annuity, from the public school teachers' annuity and retirement fund a sum in dollars equal to such proportion of the maximum annuity granted under this act, as the time he shall have been subject to the burdens imposed by this act bears to the period of thirty years.

Second alternative.

*Class Eight.* Teachers of public evening schools receiving a salary of fifty (50) dollars or less per month, shall be subject to one-half of the burdens, and shall be entitled to one-half of the benefits, of this act; *provided*, that any public school teacher who is employed both in a day and an evening school shall be considered for the purposes of this act to be employed in a day school only; *provided, further*, that an evening public school teacher, who at any time before retirement under the provisions of this act shall become a day public school teacher, or an occupant of one of the offices mentioned in said subdivision four of section twelve, shall upon retirement as a day public school teacher, or as one of said officers, be credited with half time for his said evening school service, under the class in which he may be retired.

Class eight.

#### HIGH SCHOOL AND OTHER PUBLIC SCHOOL TEACHERS.

High school and other public school teachers in counties, or in consolidated cities and counties, in which the act of which this act is amendatory has been in force, who were unable by reason of any imperfection in the terms of said act, to become contributors, shall be allowed, upon admission under the terms of this act, and upon the payment of the amounts they would have paid had they been contributors, to date the time of their admission from the time of the organization of the public school teachers' annuity and retirement fund in their county or consolidated city and county. City treasurers are hereby directed to pay into the public school teachers' annuity and retirement fund of their respective counties the contributions of teachers and officers, whose salaries are paid by, or

Terms of admission of other teachers.



through, city treasurers, in the same manner as provided in the act of which this act is amendatory, to be paid by the treasurer of a county, or consolidated city and county.

Compliance with these provisions shall render any public high school or other public school teacher eligible to the benefits provided in any one of the eight classes of annuitants in this act created to which such teacher may be qualified.

#### SUSPENSION OF ANNUITIES.

Suspension  
of annu-  
ities.

Any and all annuities shall be suspended if the recipient returns to the profession of teaching or becomes the occupant of one of the said offices mentioned in subdivision four of section twelve. Any annuity less than two thirds of the maximum annuity shall cease at the expiration of one year from the time at which the committee on retirement, constituted in section five of this act, shall decide that the recipient has been restored to the capacity of performing the duties of a public school teacher.

Who  
exempt  
from re-  
duction of  
annuities.

All teachers now employed in the public schools of this state who filed the notice specified in the act of which this act is amendatory, within ninety days after the passage of this amendatory act in counties or in consolidated cities and counties where the provisions of any act or acts to which this act is amendatory are now applicable, and all other public school teachers in other counties or consolidated city and county who become contributors within ninety days after the establishment of a public school teachers' annuity and retirement fund therein and who shall have paid at the time of retirement an amount equal to what they would have paid had they been subject to the burdens imposed by the provisions of this act for thirty (30) years, shall not suffer any reduction of annuities; *provided, however*, that the provisions of this paragraph shall not apply to counties or consolidated cities and counties in which the contributors to said fund shall select to be governed by the provisions of subdivision B of classes two, six and seven respectively of section eight, and subdivision B of section eleven, as provided in section five.

SEC. 4. Section nine of the act designated in section one hereof is hereby amended to read as follows, viz.:

Funds may  
be pro-  
rated.

Section 9. If at the end of any quarter year there shall not be a sufficient amount of money in the "annuity fund," or in the "distribution fund," as the case may be, to pay all warrants and demands of annuitants in full, then the money in that fund shall be divided pro rata among them, and the sum received by each annuitant shall be in full discharge of all claims against said fund to that date.

SEC. 5. Section ten of the act designated in section one hereof is hereby amended to read as follows, viz.:

Source of  
retirement  
fund.

Section 10. The public school teachers' annuity and retirement fund herein provided for, shall consist of the following, with the income and interest thereof: (1) Twelve (12) dollars per school year, of the salaries paid to all those subject to the bur-

dens imposed by this act, in each county or consolidated city and county, shall be deducted from the warrants for salary, and paid by the treasurer of the county, or consolidated city and county, to the public school teachers' retirement fund commissioners of said county, or consolidated city and county; and it shall be the duty of the secretary of the board of education in every incorporated city or town, or consolidated city and county, and the clerk of the board of trustees of every public school district outside of such city or town, or consolidated city and county, to note on each warrant the amount to be so deducted therefrom by the treasurer, and if classified, the class under this act to which the teacher belongs. (II) All moneys received from gifts, bequests and devises, or from any other source. (III) All moneys, pay, compensation, or salary forfeited, deducted or withheld from the warrant or demand for salary of any teacher or teachers for and on account of absence from duty from any cause, which the board of education of every incorporated city or town, or the board of trustees of every school district outside of such city or town, may appropriate and set apart for the aforesaid fund; and said board of education or board of trustees, are hereby empowered to appropriate such moneys, or any part thereof, for such fund; *provided*, that in consolidated cities and counties, after the establishment of an annuity fund therein, it is hereby made the duty of the boards of education to appropriate, monthly, at least one half of such moneys for such fund.

SEC. 6. Section eleven of the act designated in section one hereof is hereby amended to read as follows, viz.:

Section 11. The said public school teachers' annuity and retirement fund shall be divided either as designated in subdivision A hereof, or as designated in subdivision B hereof, as the said contributors to said fund in such county, or consolidated city and county, shall have selected to follow pursuant to the provisions of section five (5) hereof.

A. The said public school teachers' annuity and retirement fund in each county or consolidated city and county, shall be divided into two distinct funds, or accounts, (1) the permanent fund, and (2) the annuity fund.

(1) The permanent fund.

(a) The permanent fund shall consist of: (I) Twenty-five per cent of all contributions from those affected by this act; (II) Twenty-five per cent of all gifts, bequests, or devises, unless otherwise ordered by the donor or the testator; (III) Twenty-five per cent of all moneys deducted from the salaries of teachers because of absence from duty.

(b) When the permanent fund shall amount to the sum of fifty thousand (50,000) dollars, then all moneys thereafter received shall go into the annuity fund, except such gifts, devises, or bequests as may be specially directed by its donor or testator to be placed in the permanent fund.

(c) It shall be the duty of the public school teachers' retirement fund commissioners to invest the aforesaid permanent

How fund shall be divided.

Alternative.

Permanent fund.

fund in interest-bearing bonds issued by the federal, state, county, city and county, or municipal governments, and to apply the interest thereon as herein directed.

Annuity  
fund.

(2) The annuity fund.

(a) The annuity fund shall consist of: (I) The income derived from the permanent fund; (II) All other moneys belonging to the public school teachers' annuity and retirement fund, not hereinbefore directed to be placed in the permanent fund; (III) All moneys in the fund provided for in the act to which this is amendatory.

(b) The annuity fund shall be the only one from which annuitants shall be paid.

(c) If at the end of any fiscal year there remain any surplus in the annuity fund, said surplus shall be deposited by the public school teachers' retirement fund commissioners in any savings bank, or savings banks, designated by them.

Alternative.

B. The said public school teachers' annuity and retirement fund, in each county, or consolidated city and county, shall be divided into two distinct funds or accounts, (1) the reserve fund and (2) the distribution fund.

Reserve  
fund.

(1) The reserve fund.

The reserve fund shall consist of:

(a) All moneys collected from the unclassified contributors for the first five years after the creation of said fund.

(b) Sixty (60) per cent of all moneys collected from the unclassified contributors for the second five years after the creation of the fund.

(c) Fifty (50) per cent of all moneys collected from unclassified contributors for the third five years after the creation of the fund.

(d) Thirty (30) per cent of all moneys collected from the unclassified contributors for the fourth five years after the creation of the fund.

(e) One hundred per cent of all collections from the classified contributors during the first period of their classification, as hereinafter classified.

(f) Ninety per cent of all collections from the classified contributors during the second period of their classification, as hereinafter classified.

(g) Eighty per cent of all collections from the classified contributors during the third period of their classification, as hereinafter classified.

(h) Seventy per cent of all collections from the classified contributors during the fourth period of their classification, as hereinafter classified.

(i) All collections from sources other than said collections from contributors; all donations, and all interest accrued on such reserve fund for a period of twenty years from the creation of said fund.

It shall be the duty of the public school teachers' retirement fund commissioners to place the reserve fund at interest, monthly, in a savings bank selected by the said commissioners. All original contributors to a public school teachers' annuity

and retirement fund in any county or consolidated city and county, and all those who became contributors thereto within the first five years after the creation of said fund shall be known as unclassified contributors.

All who become contributors during the first decade after the fund shall have been in existence for five years shall be known as class A, and those who become contributors to said fund during each decade thereafter shall be known as classes B, C, D, respectively; each of said classes shall exist for four periods, the first three being for ten years each and the fourth for five years.

When the term for which any class has been formed shall have elapsed, all contributors to such classes who continue to contribute, shall be considered as unclassified.

(2) The distribution fund.

Distribu-  
tion fund.

The distribution fund shall not be formed in any county or consolidated city and county, until the said public school teachers' annuity and retirement fund shall have been in existence for five years. It shall then consist of

(a) The income not hereinbefore set aside and declared a part of the reserve fund.

(b) After the said fund shall have been in existence for twenty years, in addition to the income not heretofore set aside for the reserve fund, there shall be transferred quarterly, during the next five years, from the reserve fund to the distribution fund, sixty (60) dollars; *provided*, that the earnings of the reserve fund for that period shall be equal to, or shall exceed, two hundred and forty (240) dollars per annum. If the earnings of the reserve fund shall not equal two hundred and forty (240) dollars per annum, the amount transferred quarterly from the reserve fund to the distribution fund shall be equal to the quarterly interest of the reserve fund.

(c) After the said fund shall have been in existence for twenty-five (25) years, the distribution fund shall consist of the income not heretofore set aside for the reserve fund, and one hundred and sixty (160) dollars to be transferred quarterly, during the next five years from the reserve fund to the distribution fund; *provided, however*, that this amount does not exceed the quarterly earnings of the reserve fund for that period. Should the one hundred and sixty (160.00) dollars exceed the said quarterly earnings, then an amount equal to the quarterly earnings of the reserve fund shall be so transferred.

(d) After the said fund shall have been in existence for thirty years, the distribution fund shall consist of the income not heretofore set aside for the reserve fund and all of the interest of the reserve fund during the next five years. And should the aforesaid fail to give sufficient funds to pay half of the annuities due, then there shall be transferred quarterly from the reserve fund, over and above the earnings of the reserve fund, thirty (30) dollars per quarter.

(e) After the said fund shall have been in existence for thirty-five years, the distribution fund shall consist of the

income not heretofore set aside for the reserve fund. Also the interest on the reserve fund, distributed quarterly during the next five years, and should this not be sufficient to pay half of the annuity due, then there shall be transferred from the reserve fund, in addition to the interest, sixty (60) dollars quarterly.

(f) After the said fund shall have been in existence for forty years, the distribution fund shall consist of the income not heretofore set aside for the reserve fund, the interest on the reserve fund distributed quarterly, and a sum taken from the reserve fund in addition thereto, equal to twelve times the increase in contributors to the said public school teachers' annuity and retirement fund for the preceding year; that is, if the said contributors increase by 20 during the year 1934, then during the year 1935 there shall be taken from the reserve fund, in addition to the interest, two hundred and forty (240.00) dollars per annum.

All disbursements shall be from the distribution fund, except as otherwise provided in section four.

SEC. 7. Section twelve of the act designated in section one hereof is hereby amended to read as follows, viz.:

Binding  
clause.

Section 12. This act shall be binding upon such public school teachers, and such officers mentioned in said subdivision four of section twelve as shall sign and deliver to the public school teachers' retirement fund commissioners, and to the secretary of the board of education of the incorporated city or town, or consolidated city and county, or to the clerk of the board of trustees of the school district, in which they are employed, a notice in substantially the following form:

————— 19—.

To the Public School Teachers' Retirement Fund Commissioners, of ——— county (or city and county):

You are hereby notified that I agree to be bound by, and desire to avail myself of the provisions of the act of the legislature of the State of California, approved March 29th, eighteen hundred and ninety-seven, entitled "An act to amend an act approved March twenty-sixth, eighteen hundred and ninety-five, entitled 'An act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the state,'" as amended March 23, 1901, and ———, 1903.

Signed ——— ———

*Provided*, that at least thirty public school teachers within the county, or consolidated city and county, shall file the notice hereinbefore set forth; *provided, further*, that in all counties, or in consolidated cities and counties, where there is a less number of teachers than thirty, this act shall be binding on all those who so signify their intention of being bound thereby.

(2) In consolidated cities and counties it shall be binding upon all teachers elected or appointed to teach in the public schools of such consolidated cities and counties after the passage of this act.

(3) Annuities heretofore granted under the provisions of the act of which this act is amendatory shall be continued for the same amount as heretofore paid, subject, however, to the conditions imposed by sections nine (9) and eleven (11) of this act.

(4) Any county, consolidated city and county, or city superintendent of schools of this state, and any deputy superintendent of schools for any county, consolidated city and county, or city of this state, and any person engaged in any other educational work, required by law to have the qualifications of a teacher in the public schools of this state, may avail himself of the provisions of this act; and wherever the word "teacher" is used in this act it shall be deemed to include such officer or officers.

SEC. 8. Section thirteen of the act designated in section one hereof, is hereby amended to read as follows, viz.:

Section 13. Every public officer who shall issue, or receive in his official capacity, any warrant, or who shall receive or pay out any money, in any manner connected with, pursuant to, or dependent upon, the provisions of this act, shall keep a full, accurate and public record of all his transactions appertaining to the same. Record of money, etc.

SEC. 9. This act shall take effect immediately.

## CHAPTER CCXXXII.

*An act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All abandoned mining shafts, pits or other abandoned excavations dangerous to passers-by or live stock shall be securely covered or fenced, and kept so, by the owners of the land or persons in charge of the same, on which such shafts, pits or other excavations are located. Any person or persons failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor. Owners of land must cover abandoned pits, etc.

SEC. 2. All abandoned mining shafts, pits or other excavations situated on unoccupied public lands may be securely covered or fenced by order of the board of supervisors of the county wherein the same is situated, and it shall be the duty of the board of supervisors to keep the same securely fenced or covered whenever it appears to them, by proof submitted, that the same is dangerous or unsafe to man or beast. The cost of said covering or fencing to be a county charge. Duty of supervisors.

Removing covers a misdemeanor.

SEC. 3. Any person or persons maliciously removing or destroying any covering or fencing placed around or over any shaft, pit or other excavation, as hereinbefore provided, shall be deemed guilty of a misdemeanor.

SEC. 4. This act shall take effect six months from the day of passage.

### CHAPTER CCXXXIII.

*An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Drug peddlers must obtain license.

SECTION 1. No person, as principal or agent, shall conduct as an itinerant vendor the business of selling drugs, nostrums, ointments, or any appliances for the treatment of disease, deformities, or injuries, within this state, without previously obtaining a license therefor as herein provided.

Annual license fee.

SEC. 2. An annual license fee of two hundred dollars is hereby levied upon all such itinerant vendors doing business in this state. Said tax shall be paid to the state board of pharmacy, for the use and benefit of the State of California, and shall constitute a special fund for the payment of the expense of said board of pharmacy, and for the enforcement of this act, and of the provisions of the act or acts creating such board of pharmacy. Upon the receipt of said sum from any persons desiring to conduct such business within this state, the secretary of said board of pharmacy shall issue a license to such person to carry on such business within this state until the first day of July, next ensuing; *provided*, that nothing in this act shall be construed to prevent the collection of any tax that may be imposed by any county or municipal authorities; *and provided, further*, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers subject to the provisions of section three of this act.

Itinerant vendors defined.

SEC. 3. Itinerant vendors under the meaning of this act shall include all persons who carry on the business above described by passing from house to house, or by haranguing the people on the public streets or in public places, or use the various customary devices for attracting crowds and therewith recommending their wares, and offering them for sale.

Statement to controller.

SEC. 4. Said board of pharmacy shall on the first day of July of each year make a verified and itemized statement in writing to the controller of this state, of all receipts and disbursements of money coming into their hands by reason of this act.

SEC. 5. Any person violating any of the provisions of this act, who shall without such license, sell or offer for sale any of the above described drugs, nostrums, ointments, or appliances, shall be deemed guilty of a misdemeanor, and for such breach of this act upon conviction therefor, shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail for not less than fifty days or more than one hundred and twenty days, or both such fine and imprisonment. All fines recovered under this act, shall be paid by the magistrate receiving the same, to the state board of pharmacy, and by said board placed in the special fund created by section two of this act.

Penalty for violation of this act.

SEC. 6. In all actions or prosecutions under this act it need not be alleged in the complaint nor proved by the prosecution that the defendant has not a license as required in this act, but the fact that he has such license may be plead as a matter of defense.

Proof required.

SEC. 7. All acts or parts of acts conflicting with this act hereby repealed, in and so far as they conflict.

SEC. 8. This act shall take effect and be in force sixty days after its passage.

#### CHAPTER CCXXXIV.

*An act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The practice of optometry is defined as follows, namely: The employment of subjective and objective mechanical means to determine the accommodative and refractive states of the eye and the scope of its functions in general.

Practice of optometry defined.

SEC. 2. It shall be unlawful for any person to practice optometry in the State of California unless he shall first have obtained a certificate of registration and filed the same, or a certified copy thereof, with the clerk of the county of his residence, all as hereinafter provided.

Certificate of registration.

SEC. 3. There is hereby created a board, whose duty it shall be to carry out the purposes and enforce the provisions of this act, and shall be styled the California State Board of Examiners in Optometry. Said board shall be appointed by the governor as soon as practicable after the passage of this act, and shall consist of three persons engaged in the actual practice of optometry, and residing in the State of California. Each member of said board shall hold office for a term of four years, and until his successor is appointed. Appointments to fill vacancies caused by death, resignation or removal, shall be

Board of examiners in optometry.



made for the residue of such term by the governor. The members of said board, before entering upon their duties, shall respectively take and subscribe to the oath required to be taken by other officers, and filed with the clerk of the county in which said member resides, and said board shall have a common seal.

Officers of  
board.

SEC. 4. Said board shall choose at its first regular meeting, and annually thereafter, one of its members president, and one secretary thereof, who severally shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hand and the seal of the board. Said board shall meet at least once in each year at the state capitol, and in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting; a majority of said board shall at all times constitute a quorum. The secretary of said board shall keep a full record of the proceedings of said board, which records shall at all reasonable times be open to public inspection.

Examina-  
tions.

SEC. 5. Every person before beginning to practice optometry in this state, after the passage of this act, shall pass an examination before said board of examiners. Such examination shall be confined to such knowledge as is essential to the practice of optometry. Any person having signified to said board his desire to be examined by them shall appear before them at such time and place as they may designate, and before beginning such examination shall pay to the secretary of said board, for the use of said board, the sum of ten dollars, and if he shall successfully pass such examination, shall pay to said secretary, for the use of said board, a further sum of five dollars on the issuance to him of a certificate. All persons successfully passing such examination shall be registered in the board register, which shall be kept by said secretary, as licensed to practice optometry, and shall also receive a certificate of such registration, to be signed by the president and secretary of said board, which shall be filed as hereinbefore provided.

Persons  
now en-  
gaged in  
practice.

SEC. 6. Every person who is actually engaged in the practice of optometry in the State of California, at the time of the passage of this act, shall, within six months thereafter, file an affidavit in proof thereof with said board, who shall make and keep record of such person, and shall, in the consideration of the sum of five dollars, issue to him a certificate of registration.

Who ex-  
empt from  
examina-  
tion.

SEC. 7. All persons entitled to a certificate of registration under the full provisions of section six, shall be exempt from the provisions of section five of this act.

Certifi-  
cates to be  
presented to  
county  
clerk for  
record.

SEC. 8. Recipients of said certificate of registration shall present the same for record to the clerk of the county in which they reside, and shall pay a fee of fifty cents to the clerk for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed removing his residence from one county to another in this state shall, before engaging in the practice of optometry in such other county, obtain from the clerk of the county in which said certificate of registration is recorded, a certified

copy of such record, or else obtain a new certificate of registration from the board of examiners, and shall, before commencing practice in such county file the same for record with the clerk of the county to which he removes, and pay the clerk thereof for recording the same, a fee of fifty cents. Any failure, neglect or refusal on the part of the person holding such certificate or copy of record to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one dollar for the re-issue of any certificate, and the clerk of any county shall be entitled to a fee of one dollar for making and certifying a copy of the record of any such certificate.

SEC. 9. Any person entitled to a certificate, as provided for in section six of this act, who shall not within six months after the passage thereof make written application to the board of examiners for a certificate of registration, accompanied by a written statement, signed by him, and duly verified before an officer authorized to administer oaths within this state, fully setting forth the grounds upon which he claims such certificate, shall be deemed to have waived his right to a certificate under the provisions or refusal on the part of any person holding such certificate under the provisions of such section. Any failure, neglect or refusal on the part of any person holding such certificate to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same.

Waiver of  
right to  
certificate.

SEC. 10. Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office wherein the practice of optometry is conducted.

Certificate  
shall be  
displayed.

SEC. 11. Out of the funds coming into the possession of said board, each member thereof may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of his office, and mileage at three cents per mile for all distance necessarily traveled in going to and coming from the meetings of the board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the state treasury. All moneys received in excess of said per diem allowance and mileage, as above provided for, shall be held by the secretary as a special fund for meeting expenses of said board and carrying out the provisions of this act, and he shall give such bonds as the board shall from time to time direct, and the said board shall make an annual report of its proceedings to the governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this act.

Compensation  
of members  
of board.

SEC. 12. Every registered optometrist who desires to continue the practice of optometry in this state shall annually on such date as the board of optometry may determine, pay to the secretary of said board a registration fee to be fixed by the board, but which shall in no case exceed the sum of two dollars per annum, for which he shall receive a renewal of said

Annual  
registration  
fee.

registration; and in case of default in such payment, by any person, his certificate may be revoked by the board of examiners, under twenty days' notice of the time and place of considering such revocation. But no certificate shall be revoked for such non-payment if the person so notified shall pay before or at such time of consideration his fee and such penalty as may be imposed by said board; *provided*, that said board may impose a penalty of five dollars and no more on any one person so notified, as a condition of allowing his certificate to stand; *provided, further*, that said board of examiners may collect any such fees by suit.

Power to  
revoke cer-  
tificates.

SEC. 13. Said board shall have power to revoke any certificate of registration granted by it under this act for conviction of crime, habitual drunkenness for six months immediately before a charge to be made, gross incompetency, or contagious or infectious disease; *provided*, that before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice, at least five days after the service thereof, be given a public hearing, and have opportunity to produce testimony in his behalf and to confront the witnesses against him. Any person whose certificate has been so revoked, may, after the expiration of ninety days, apply to have the same regranted, and the same shall be regranted him, upon a satisfactory showing that the disqualification has ceased.

Violations  
of act.

SEC. 14. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty dollars, nor more than one hundred dollars, or to be confined not less than one month, nor more than three months in the county jail, and in default of payment of said fine shall be imprisoned in the county jail at the rate of one day for every two dollars of the fine so imposed. And all fines thus received shall be paid into the common school fund of the county in which such conviction takes place.

Jurisdic-  
tion of  
courts.

SEC. 15. Justices of the peace and the respective municipal courts shall have jurisdiction of violations of this act. It shall be the duty of the respective district attorneys to prosecute all violations of this act.

Does not  
apply to  
physi-  
cians, etc.

SEC. 16. Nothing in this act shall be construed to apply to physicians and surgeons authorized to practice under the laws of the State of California, nor to persons who sell spectacles or eye-glasses in the ordinary course of trade, and who do not attempt to employ subjective and objective mechanical means to determine the accommodative and refractive states of the eye.

SEC. 17. This act shall take effect and be in force from and after its passage.

## CHAPTER CCXXXV.

*An act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employes in the State of California shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy, for which punishment is now provided by any act of the legislature, but such act of the legislature shall, as to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained; *provided*, that nothing in this act shall be construed to authorize force or violence, or threats thereof.

Combinations in trade disputes not criminal; when.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXXXVI.

*An act to regulate the use of illuminating gas.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Every hotel-keeper, lodging-house keeper, and inn-keeper, or keeper of any place where rooms are let to lodgers in which, or any of which such places illuminating gas is used, who shall turn off, or cause to be turned off at the meter the flow of such illuminating gas, during the time of the use of any such room or rooms, shall be guilty of a misdemeanor; *provided, however*, that this act shall not apply to any of the persons herein enumerated, when such person or persons shall have connected every exit orifice upon the gas fixtures used in

Gas not to be turned off at meter.

such place or places with a practical and safe automatic gas igniter.

SEC. 2. This act shall take effect and be in force immediately from and after its passage.

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CHAPTER CCXXXVII.

*An act to amend an act entitled "An act granting to the city of Monterey the title to the water front of said city in the bay of Monterey."*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of an act entitled "An act granting to the city of Monterey the title to the water front of said city in the bay of Monterey, approved March 21, 1868, is amended so as to read as follows:

Water  
front of  
city of  
Monterey  
shall be  
held for  
benefit of  
city; may  
be leased.

Section 2. The entire water front hereby granted shall be held by trustees of the city of Monterey and their lawful successors forever, for the use and benefit of said city, and shall not be subject to execution upon any judgment against said city, but may be, from time to time let or leased for a term not exceeding fifty years, as the trustees thereof or their successors may deem to be most advantageous to said city; *provided*, that not more than three hundred feet frontage of said water front shall be leased to one lessee; *and provided further*, that at and upon any wharf erected or built upon property so leased any and all vessels shall have a right to dock, land and discharge passengers or merchandise upon payment to such lessee or lessees of reasonable dockage and wharfage. The dockage and wharfage to be regulated and prescribed in such lease, and as may, thereafter, from time to time be determined by ordinance of said city of Monterey or by statute of the State of California.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER CCXXXVIII.

*An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Whenever fifty or a majority of the holders of title, or evidence of title as herein provided, to agricultural lands other than swamp and overflowed lands, which are susceptible of one general mode of drainage by the same system of works, desire to provide for the drainage of such lands, they may propose the organization of a drainage district under the provisions of this act, and when so organized, such district shall have the powers, rights, and duties conferred, or which may be conferred by law, upon such drainage districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of a drainage district under the provisions of this act, shall be sufficient evidence of title for the purposes of this act; *provided*, that no person who has received or acquired title to land within such proposed district for the purpose of enabling him or her to join in such petition or to become an elector of said district, shall be allowed to sign such petition or to vote at any election to be held in such district under the provisions of this act. Such illegal signing, however, shall not invalidate such petition when there shall be found a sufficient number of other legal petitioners.

Organiza-  
tion of  
drainage  
districts.

Who can  
not sign  
petition.

SEC. 2. In order to propose the organization of a drainage district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, to lands within such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the obligors will pay all the costs in case such an organization will not be effected. The petition shall be presented at a regular meeting of said board of supervisors, and shall have been published for at least two weeks before such presentation, in some newspaper printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be

Petition to  
board of  
super-  
visors.

Bond.

Publica-  
tion.

presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of such counties.

Hearing of  
petition.

SEC. 3. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time not exceeding four weeks in all, and on the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of drainage by the same system of works applicable to the other lands in such proposed district; nor shall any lands which will not, in the judgment of said board, be benefited by drainage, by means of said system of works, be included within such proposed district. Any person whose lands are susceptible of drainage by the same system of works, may, upon his application, in the discretion of said board, have such lands included within said proposed district. Upon such hearing of said petition, the board of supervisors shall determine whether or not said petition complies with the requirements of sections one and two of this act, and for that purpose must hear all competent and relevant testimony offered in support or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors.

Right to  
appeal  
from order  
of board.

SEC. 4. The right of appeal from said order to the superior court of the county where said petition is heard, is hereby given to any person interested, who is a party to the record; *provided*, that if more than one appeal be taken they shall be consolidated and tried together. Such appeal shall be taken within ten days after the entry of such order upon the minutes of the board of supervisors. The appeal shall be taken and heard in the same manner as appeals from justices' courts to the superior court, except as herein otherwise provided. Upon the appeal, the superior court may make and enter its judgment affirming, modifying, or reversing the order appealed from. Within ten days thereafter, the superior court must cause its remittitur to issue to said board of supervisors, and if said order of the board of supervisors is modified or reversed, the judgment of the superior court and its remittitur shall direct the board of supervisors what order it shall enter. Such remittitur shall be filed by the clerk of the board of supervisors, and at the first regular meeting of the board thereafter, it shall cause to be entered in its minutes the order as directed by said superior court. The appeal herein provided for shall be heard and determined within thirty days from the time of filing the notice of appeal.

Remitti-  
tur.

District  
directors.

SEC. 5. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into three or five divisions, as nearly equal in size as practicable, which divisions shall be numbered consecutively, and

one director who shall be an elector and a resident freeholder of the division, shall be elected, as hereinafter provided, by each division; *provided*, that when requested in the petition three directors who shall be residents, electors and freeholders of the district, shall be elected at large by the qualified electors of the district.

SEC. 6. Said board of supervisors shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall designate a name for such proposed district, and describe the boundaries thereof and the boundaries of the precincts established therein, when more than one, together with a designation of the polling place and board of election for each precinct; and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Drainage District—Yes" or "Drainage District—No" or words equivalent thereto, and also the names of one or more persons (according to the divisions of the proposed district as prayed for in the petition and ordered by the board) to be voted for to fill the office of director. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state but no particular form of ballot shall be required.

SEC. 7. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

SEC. 8. The said board of supervisors shall on the first Monday succeeding such election, if then in session, or at its next succeeding general or special session proceed to canvass the votes cast thereat, and if upon such canvass, it appear that at least two thirds of all the votes cast are "Drainage District—Yes," the board shall by an order entered in its minutes, declare such territory duly organized as a drainage district, under the name theretofore designated, and shall declare the persons receiving, respectively the highest number of votes for directors to be duly elected to such offices.

SEC. 9. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties and no board of supervisors of any county in which any portion of the lands embraced in such district are situated, shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the

Election to determine proposed organization.

Ballots.

Qualifications of electors.

Canvass of returns.

Copy of order to be recorded.



consent of the board of directors of the district in which they are situated. From and after such filing, the organization of the district shall be complete.

Election  
may be  
contested.

SEC. 10. Such election or organization may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; *provided*, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

When  
directors  
shall  
enter upon  
duties.

SEC. 11. The directors elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner herein provided. Said directors shall hold office respectively until their successors are elected and qualified.

Term of  
office.

SEC. 12. The directors of any district created after the passage of this act, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

President  
and secre-  
tary.

Meetings.

SEC. 13. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the board by an order entered in the minutes specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary and all records of the board shall be

open to public inspection during business hours. The board of directors shall, on the first Tuesday in March of each and every year, render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some paper published in the county where the office of the board of directors of such district is situated.

Publish a financial statement

SEC. 14. The board shall have the power and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; provide for the payment, from the proper fund, of all the debts and just claims against the district; employ and appoint when necessary, engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage and the land needed for right of way, including drains, canals, sluices, water-gates, embankments and material for construction, and to construct, maintain, and keep in repair all works necessary for the purpose of drainage. The board and its agents and employes shall have the right to enter upon any land to make surveys, and may locate the necessary drainage works and the line for any canals, sluices, water-gates and embankments, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire, hold and possess either by donation, purchase or condemnation, any land or other property, necessary for the construction, use, maintenance, repair, and improvement of any works required for the purpose of drainage as provided herein. The board may establish equitable by-laws, rules and regulations necessary or proper for carrying on the business herein contemplated, and generally may perform all such acts as shall be necessary to fully carry out the purposes of this act.

Powers and duties of board of directors.

SEC. 15. The board of directors, when they deem it advisable for the best interests of the district and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district; *provided*, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the division must be shown on the minutes of the board.

Change of boundaries.

SEC. 16. In case of condemnation proceedings, the board shall proceed, in the name of the district, under the provisions of title seven, part three, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken, or appropriated under the provisions of this act, is a public use, subject to regulation and control of the state in the manner prescribed by law.

Condemnation proceedings.

Biennial  
election of  
directors.

SEC. 17. In each district organized as herein provided, an election shall be held on the first Wednesday in February, nineteen hundred and five, and on the first Wednesday of February of each second year thereafter, at which a board of directors for the district, as provided in section 5 of this act, shall be elected. The person receiving the highest number of votes for the office to be filled at such election, is elected thereto. Within ten days after receiving their respective certificates of election, each of said persons shall qualify as such by taking and subscribing the official oath and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars, which shall be approved by the judge of the superior court of the county where the organization of the district was effected and shall be recorded in the office of the county recorder of such county and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of director the same shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall qualify within ten days after receiving notice of his appointment as in said act provided, if he were elected to such office and he shall hold such office only until the next regular election for said district and until his successor is elected and qualified.

Official  
bond.

Vacancies;  
how filled.

Organiza-  
tion after  
election.

SEC. 18. On the first Tuesday in March next following the election, the directors who shall have been elected at the general February election, shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. And the directors of districts now organized, who shall have been elected at the general February election of nineteen hundred and five, shall, on the first Tuesday in March next thereafter, when they meet to organize, first classify themselves by lot into two classes as nearly equal in number as possible. And the terms of office of the class having the greater number shall be two years; and the term of office of the lesser number shall be four years. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at the county seat, or at some proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for thirty days in some newspaper of general circulation published in the county where such district is organized.

Term of  
office.

Notice of  
election.

SEC. 19. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a similar notice of the same in a conspicuous place in the office of the said board,

specifying the polling places of each precinct, and the names of the members of the boards of election, for each precinct. Prior to the time for posting such notices, the board must appoint for each precinct, from the electors thereof, one inspector and one judge and one clerk, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed, or any of them, do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour, may appoint the board, or supply the place of an absent member thereof. The board of directors must in its order appointing the board of election, designate the place within each precinct where the election must be held.

Board of election.

Sec. 20. The inspector is chairman of the election board, and may administer all oaths required in the progress of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be open at 9:00 o'clock A. M., and be kept open until 4:00 o'clock P. M., when the same must be closed. The provisions of the general election laws concerning the form of ballots to be used shall not apply to elections held under this act.

Duty of election board.

Polls open.

Form of ballot.

Sec. 21. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws in this state.

General election laws to govern

Sec. 22. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge and the inspector. One of said certificates with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and endorsed "election returns of (naming the precinct) precinct" and be directed to the secretary of the board of directors and shall be imme-

Election returns.

diately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Canvass of  
returns.

SEC. 23. No list, tally paper, or certificate from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for and declaring the result thereof.

Statement  
of result.

SEC. 24. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board, a statement of such result, which statement must show: (a) the whole number of votes cast in the district and in each precinct thereof if there be more than one precinct; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

Number of  
directors  
may be  
changed.

SEC. 25. In any district the board of directors thereof may, upon the presentation of a petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors, as said board may order, and they shall be elected, by the district at large, or by divisions, as so petitioned and ordered; and after such order such directors shall be so elected.

Title to  
property  
shall vest  
in district.

SEC. 26. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such drainage district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it

under the provisions of this act, in the name of such drainage district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits, or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such drainage district.

SEC. 27. For the purpose of constructing necessary conduits, drains, sluices, water-gates, embankments and all works necessary for the purpose of drainage, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures as herein authorized therefrom, and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board shall immediately call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of said district shall be issued in the amount so determined. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept; once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Whenever thereafter, a petition of the character hereinbefore provided for in this section, is presented to the board, it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

Provisions  
for bond  
election.

Ballots.

SEC. 28. All bonds issued under the provisions of this act shall be payable in gold coin of the United States, in ten series as follows, to wit: On the first day of January after the expiration of eleven years, five per cent of the whole number of said

When  
bonds shall  
be payable.

bonds; on the first day of January after the expiration of twelve years, six per cent; on the first day of January after the expiration of thirteen years, seven per cent; on the first day of January after the expiration of fourteen years, eight per cent; on the first day of January after the expiration of fifteen years, nine per cent; on the first day of January after the expiration of sixteen years, ten per cent; on the first day of January after the expiration of seventeen years, eleven per cent; on the first day of January after the expiration of eighteen years, thirteen per cent; on the first day of January after the expiration of nineteen years, fifteen per cent; and on the first day of January after the expiration of twenty years, sixteen per cent; that the several enumerated percentages being of the entire amount of the bond issue, but each bond must be made payable at a given time for its entire amount and not for a percentage. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed and the bonds of each issue shall be numbered consecutively, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were signed by authority of this act, stating its title and date of approval, and shall also so state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

**Interest.**

**Denomination.**

**Sale of bonds.**

SEC. 29. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous, to raise money for the construction of said drains and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; *provided, however*, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof.

Sec. 30. Any bonds issued under the provisions of this act shall be a lien upon the property of the district and the lien for the bonds of any issue shall be a preferred lien to that for any subsequent issue. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district; and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

Bonds shall be lien upon property of district.

Sec. 31. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the plan of drainage and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by levy of assessments therefor; *provided, however*, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted, the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes," or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall proceed in the manner prescribed in sections 40-43 herein provided for raising funds for the annual requirements; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record.

Assessments.

Shall be submitted to vote of people.

Sec. 32. Whenever a district organized under the provisions of this act, has outstanding bonds, coupons, or other evidences of indebtedness, the payment thereof may be provided for by the issuance of new bonds, in the manner hereinafter prescribed.

Refunding indebtedness.

Sec. 33. In order to propose the funding of such bonds, coupons, or other evidences of indebtedness a petition shall be presented to the board of directors of such drainage district, signed by a majority in number of holders of title or evidences of title to real property in such district, which petition shall

Petition to fund indebtedness.



set forth the amount of bonds, coupons, or other evidences of indebtedness proposed to be funded, together with a general description of same, also the total amount of the bonds sought to be issued (*provided*, that said amount shall in no case be greater than the total amount of bonds, coupons, and other evidences of indebtedness then outstanding and sought to have funded), together with a full and complete statement of the purposes for which such bonds are to be used. On presentation of such petition, the same shall be entered in full on the minutes of the board.

Special  
election.

SEC. 34. Immediately after the recording of said petition, the board shall call a special election, at which shall be submitted to the electors of such district the question whether or not the bonds of such district in the amount set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks before such election. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, the amount of bonds, coupons or other evidences of indebtedness proposed to be funded, together with a general description of the same. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words "Bonds—Yes" or "Bonds—No" or words equivalent thereto. If two thirds of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued. If more than one third of the votes cast at such election are "Bonds—No," the result of such election shall be so declared. The result in either case shall be duly entered of record.

Ballots.

Issue of  
bonds.

SEC. 35. If said bonds are directed to be issued as herein provided for, the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, in twenty series, as follows, to wit: On the first day of January after the expiration of twenty years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond, each being wholly payable when due. Said bonds shall bear interest at the rate of five per cent per annum, payable semi-annually on the first day of January and July of each year. They shall be negotiable in form, and shall be of denominations of not less than \$100 nor more than \$500. Said bonds shall in all respects conform to the form of bonds prescribed hereinbefore.

SEC. 36. It shall be unlawful to sell or exchange any of the bonds as herein provided for less than their par value.

Value of  
bonds.

SEC. 37. When bonds issued under section 35 of this act shall be duly executed, they shall be deposited with the treasurer of the county wherein the district was organized, who is hereby authorized and charged with the duty of receiving the same, and his receipt shall be taken therefor, and he shall be charged with the same on his official bond, and shall have no power to deliver the same in exchange for any bonds or indebtedness proposed to be funded until the bonds or evidence of indebtedness proposed to be funded shall have been surrendered to him, and he shall have been ordered by the board of directors of the district, by an order duly entered on their records to make such delivery. When such bonds have been exchanged for other bonds, coupons, or other evidences of indebtedness, the said treasurer shall at once cancel such other bonds, coupons, or other evidences of indebtedness by writing across the face thereof "canceled" and the date of cancellation, and report the same with his next regular report hereinafter provided for to the board of directors of the district designating the bond, coupon, or other evidence of indebtedness, so that it can be identified, the date of cancellation, and the person from whom it was received, together with the amount paid therefor, or the terms of exchange, in case there is an exchange.

Duty of  
county  
treasurer.

SEC. 38. When said bonds are issued for the purpose of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money to pay bonds, coupons, or other evidences of indebtedness of the district which were outstanding at the time of the filing of said petition, and generally described therein. Resolution of intention must be declared, and notice given, and the sale conducted in the manner prescribed in section 29 of this act for the sale of original bonds. Said bonds shall in no event be sold for less than their par value including accrued interest. All moneys realized from the sale of bonds, issued under the provisions of this section, shall be paid into the hands of the said treasurer, and by him kept in a separate fund, known as the funding fund, and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing of the said petition, and described therein.

Bonds may  
be sold  
from time  
to time.

SEC. 39. The bonds issued as herein provided for may be exchanged, at not less than their par value, including accrued interest, for any of the indebtedness set out and described in the notice of the election authorizing the issuance of said refunding bond. A contract for such exchange may be made by the board of directors upon such terms as said board may deem advisable; *provided*, that they must receive not less than par value for the bonds so exchanged.

May be ex-  
changed.

SEC. 40. The board of directors must, on or before the first meeting of the board of supervisors in September of each year, furnish the supervisors and the auditor of the county wherein

Directors  
shall fur-  
nish esti-  
mate of  
money  
needed.

the district is situated, or if such district is not entirely within one county, then as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year. This amount must be sufficient to raise the annual interest on the outstanding bonds, to pay the estimated cost of repairs, the incidental expenses of the district, and in any year in which any bonds shall fall due, an amount sufficient to pay the principal of the outstanding bonds as they mature.

When district is in more than one county

SEC. 41. If such district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of directors in proportion to value of the real property of the district in each county. This value must be determined from the equalized values of the last assessment rolls of such counties. When such division of the estimate has been made, the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of the estimate apportioned to that county.

Drainage district tax levy.

SEC. 42. The board of supervisors of each county wherein is situated a district or any part thereof organized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "\_\_\_\_\_ (name of district) drainage district tax," sufficient to raise an amount reported to them as herein provided, by the board of directors. The supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the real property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported by the board of directors as required to be raised by the remainder of such total assessed value.

Duty of auditor.

SEC. 43. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

General revenue laws govern.

SEC. 44. The provisions of the Political Code of this state prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

What treasury shall be repository.

SEC. 45. If the district is in more than one county, the treasury of the county wherein the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than

twice each year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession belonging to the district. Said last-named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe-keeping and disbursement, in the manner herein provided, of these and all other moneys of the district held by him.

SEC. 46. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned by the treasurer, to wit: Bond fund, construction fund, general fund, funding fund.

Names of funds.

SEC. 47. The treasurer shall pay out of the same only upon warrants of the board of directors, signed by the president and attested by the secretary. The treasurer shall report in writing at each regular meeting of the board of directors and as often thereafter as requested by the board, the amount of money in the fund, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Treasurer's reports.

SEC. 48. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the bond fund. Whenever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in the manner hereinbefore provided for the sale of bonds, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted; *provided*, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer, under the direction of the board, in United States bonds, or the bonds of the state, which shall be kept in said "bond fund" and may be used to redeem said district bonds whenever the holders thereof may desire.

Redemption of bonds.

SEC. 49. After adopting a plan for such conduits, drains, pumping plants, water-gates and other works, as in this act provided for, the board of directors shall give notice by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (*provided*, a newspaper is published therein) and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed

Bids for construction of work.

proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as soon as convenient thereafter the board shall let said work, whether in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use for fifty per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board.

When  
claims  
shall be  
paid.

SEC. 50. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary.

Expenses.

SEC. 51. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund.

Construc-  
tion of  
works  
across  
streams,  
etc.

SEC. 52. The board of directors shall have power to construct the works necessary for drainage purposes across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said conduits or drains may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in such manner as not to have impaired unnecessarily its usefulness; and every company whose railroad, and the board of supervisors, where any public highway shall be intersected or crossed by said works, shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company, or said board of supervisors, or the owners and controllers of the said property, thing, or franchise so to be crossed, and said board cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of property by condemnation. The right of way is hereby given, dedicated, and set apart, to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state.

Right of  
way.

Per diem of  
directors.

SEC. 53. Each member of the board of directors shall receive three dollars per day for each day's attendance at the meetings of the board, and actual and necessary expenses while engaged in official business under the order of the board.

Must not  
be inter-  
ested in  
contracts.

SEC. 54. No director or any other officer named in this act shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision,

such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 55. The board of directors may at any time, when in their judgment it may be deemed advisable call a special election and submit to the qualified electors of the district the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 27 of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment—Yes" or "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall proceed in the manner hereinbefore prescribed for raising the annual funds by taxation. When collected, the money shall be paid into the district treasury for the purposes specified in the notice of such special election.

May call special elections.

SEC. 56. The board of directors shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum.

Restrictions of powers.

SEC. 57. The rights of way, ditches, drains, conduits, flumes, pipe lines, dams, reservoirs, pumping plants, and other property of like character belonging to any drainage district shall not be taxed for state and county or municipal purposes.

District property exempt from taxation.

SEC. 58. The board of directors shall within thirty days after the issue of any bonds herein provided for bring an action in the superior court of the county wherein is located the office of such board, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within thirty days after the full publication of such summons in the manner herein provided. Any one interested may, at any time before the expiration of said thirty days, appear and by proper proceedings contest the validity of such bonds, and may in the same action or proceeding contest the

Action in rem to determine validity of bonds.

validity of any bonds, coupons, or other evidences of indebtedness referred to in the petition for funding and proposed to be funded, and if any such bonds, coupons, or evidences of indebtedness be shown to be invalid, then the same shall only be funded for the amount of such proportion thereof as equals the fair and reasonable value of whatever the district may have received in consideration therefor, together with unpaid interest thereon, and the amount of such proportion shall be determined and adjudicated by the court in said action or proceeding. Such action shall be speedily tried and judgment rendered declaring such bonds so contested either valid or invalid. Either party shall have the right to appeal at any time within thirty days after the entry of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Assessment-payer may bring action.

SEC. 59. If no such proceeding shall have been taken by the board of directors, then at any time after thirty days and within ninety days after the issue of any bonds under the provisions of this act, any district assessment-payer may bring an action in the superior court of the county wherein the office of the board of directors is located, to determine the validity of any such bonds. The board of directors shall be made parties defendant and service of summons shall be made on the members of the board personally, if they can be found within the state; if not, then by publication for three weeks in some newspaper of general circulation within the county wherein the office of the board of directors is located, such newspaper to be designated by the court having jurisdiction. Before such publication can be had, an affidavit, in the usual form shall be made, showing such facts. Said board shall have the right to appear and contest such action. Notice of said action shall be given by publication of summons therein in the same manner and for the same time as required in the preceding section hereof in actions brought by the publication of such summons in the manner herein provided. Any district assessment-payer or any one interested may appear and defend said action, and thereafter the same proceedings shall be had in such action as are hereinbefore provided for in the preceding section hereof in actions brought by the board of directors, and the same matters determined and adjudicated by the court therein. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing of actions by the board\* to determine such matters. Such appeal shall be heard and determined within three months from the time of taking such appeal.

Sufficiency of proceedings.

SEC. 60. At the hearing of such proceedings the court shall hear and determine the sufficiency of all proceedings.

SEC. 61. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

Rules of pleading.

SEC. 62. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity

or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The costs of any hearing or contest herein provided for may be allowed and apportioned between the parties or attached to the losing party, in the discretion of the court.

SEC. 63. No contest of any matter or thing herein provided for shall be made other than within the time and manner herein specified.

SEC. 64. The boundaries of any drainage district now organized or hereafter organized under the provisions of this act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of this act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was or may become liable or chargeable, had said change of its boundaries not been made, or had not such land been excluded from the district.

Boundaries may be changed

SEC. 65. The owner or owners in fee of one or more tracts of land which constitute a portion of a drainage district, may, jointly or severally, file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe the boundaries thereof, and also the lands of such petitioner, or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Petition to exclude tracts from district.

SEC. 66. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or, if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the

Publication of notice of petition.



petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Hearing of  
petition.

SEC. 67. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence of proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down, in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceedings shall be paid by the person or persons filing such petition.

Board may  
deny peti-  
tion.

SEC. 68. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interests of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district.

Or may  
grant.

Bondhold-  
ers may  
assent to  
exclusion.

SEC. 69. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such out-

standing bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

SEC. 70. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the land of the district; but said district, notwithstanding such exclusion, shall be and remain a drainage district as fully to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Change of boundaries shall be recorded.

SEC. 71. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the board of supervisors of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

When office of director may become vacant.

SEC. 72. At least thirty days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one director shall be elected by each division. For the purposes of elections in such district, the said board of direct-

Order dividing district into divisions.

ors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board of directors may deem necessary.

Guardians  
may sign  
for ward.

SEC. 73. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in section 65 of this act mentioned, and may show cause, as herein provided, why the boundaries of the district should not be changed.

Exclusion  
shall not  
operate to  
release  
from valid  
debts of  
district.

SEC. 74. Nothing herein provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said drainage district the same as though said petition for its exclusion had never been filed or said order of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said drainage district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Change of  
boundaries  
shall not  
impair or  
organization.

SEC. 75. The boundaries of any drainage district now organized or hereafter organized under the provisions of this act may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

SEC. 76. The holder or holders of title, or evidence of title, representing one half or more of any body of lands adjacent to the boundary of a drainage district, which are contiguous and which taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Petition to include tracts of land.

SEC. 77. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear, at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings arising from such petition.

Publication of notice of filing petition.

SEC. 78. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may

Hearing.

include the whole or any portion of the lands described in said petition.

Require-  
ments pre-  
cedent.

SEC. 79. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Directors  
may grant  
or deny  
petition.

SEC. 80. The board of directors, if they deem it not for the best interests of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interests of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries shows cause, in writing, why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

Resolution  
to include.

SEC. 81. If any person interested in said district of the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed.

Election to  
determine  
if bound-  
aries shall  
be changed

SEC. 82. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held; and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act in case of a special election to determine whether bonds of a drainage district shall be issued. The ballots cast at said election shall contain the words "For change of boundary" or "Against change of boundary" or words equivalent thereto. The notice of

election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

SEC. 83. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Majority  
vote to pre-  
vail.

SEC. 84. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain a drainage district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Change  
to be  
recorded.

SEC. 85. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

Evidence.

SEC. 86. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in section 76 of this act mentioned and may show cause why the boundaries of the district should not be changed.

Guardian  
may sign  
petition  
for ward.

SEC. 87. In case of the inclusion of any land within any district by proceedings under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order redividing such district, into three or five divisions, as the case may require, as nearly equal in size as may be practicable, which shall be numbered first, second, third and so on, and one elector shall thereafter be elected by each division. For the purpose of elections, the board of directors must establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

Order re-  
dividing  
district.

SEC. 88. Whenever the board of directors of a drainage district heretofore organized, or hereafter organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such drainage district is greater than

Election to  
reduce  
bonded in-  
debtedness

such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

Notice of election.

SEC. 89. Notice of the said election shall be given in the same manner as provided in section twenty-seven of this act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held and the polling places, as established by said board of directors. The ballots cast at said election shall contain the words "For reducing bonds—Yes," or "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes" then in that event the board of directors shall only be empowered to issue or sell the amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

Ballots.

Bondholders may assent to reduction.

SEC. 90. In case there be outstanding bonds of any district desiring to take advantage of the provisions of sections 88 and 89 of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section sixty-nine of this act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of said sections of this act, but not otherwise. No reduction of the bonded indebtedness, as in this act provided shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds.

Election to determine destruction of bonds.

SEC. 91. Whenever there remains in the hands of the board of directors of any drainage district organized under the provisions of this act, after the completion of its drainage system, and the payment of all demands against such district, any bonds voted to be issued by said district, but not sold, and not necessary to be sold for the raising of funds, for the use of such district, said board of directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Notice of election.

SEC. 92. Such election shall be held in the same manner as other elections held under the provisions of this act. A notice of such election shall be given in the same manner as provided in section twenty-seven of this act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed

to be held, and the polling places as fixed by the board of directors. The ballots to be cast at such election shall contain the words "For destroying bonds—Yes" and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yes." Ballots.

SEC. 93. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes cast should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed, and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued. Two-thirds vote to prevail.

SEC. 94. Nothing in this act shall be so construed as to affect the validity of any district heretofore organized under the laws of this state, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; but said districts are hereby made subject to the provisions of this act so far as applicable; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge, for or upon which it was or might become liable or chargeable had not this act been passed. Validity of prior districts not affected.

SEC. 95. Nothing in this act shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of drainage except such as may be contained in the act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March thirty-first, eighteen hundred and ninety-seven, and any subsequent acts supplementary thereto, or amendatory thereof, all of which acts, so far as they may be inconsistent herewith, are hereby repealed. Acts repealed.

SEC. 96. This act shall take effect from and after its passage and approval.

## CHAPTER CCXXXIX.

*An act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums and homes for children; defining the duties of persons conducting the same; and the duties and powers of the county boards of health or county health officers and other health officers in relation thereto, and providing a penalty for the violation of its provisions.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person who, without first having obtained a license in writing so to do from the county board of health or county health officers, as hereinafter provided, manages, Maternity hospitals, etc., must obtain license.



conducts, establishes or maintains within any county or city and county in this state any maternity hospital or lying-in asylum where females may be received, cared for or treated during pregnancy, or during or after delivery; or manages, conducts, establishes or maintains within any county or city and county in this state any institution; boarding house, home or other place for the reception or care of children, or keeps, at any such place, any child under the age of twelve years, not his relative, apprentice, or ward, without legal commitment; or neglects, refuses or omits to comply with the provisions of this act, or who violates the provisions of such act, is guilty of a misdemeanor.

Duty and power of board of health or health officer as to licenses.

SEC. 2. For such places within the limits of their respective territorial jurisdictions, the county board of health in all counties or city and county governments, having a county board of health, and in all other counties or city and county governments, the county health officer shall have power to issue licenses and every such license must specify the name and residence of the person so undertaking the care of such females or children; and the location within the county or city and county of the place where the same are kept and the number of females or children thereby allowed to be received, boarded or kept therein, and shall be revocable for cause by the said county board of health or county health officer, as the case may be, in any case where the provisions of this act are violated, or in any case where, in the opinion of such county board of health or such county health officer, such hospital, asylum, institution, home, boarding house or other place is being managed, conducted or maintained without proper regard for the health, comfort or morality of the inmates thereof, or without due regard or proper sanitation or hygiene.

Holder of license must keep register.

SEC. 3. Every person so licensed must keep a register, wherein he shall enter the names and addresses of all such females, the names and ages of all such children, and of all children born on the premises, and the names and residences of their parents, so far as is known, and the time of the reception and discharge of such children and the reasons therefor, and also the name and age of every child who is given out, adopted, taken away, or indentured from such place, to or by any person, together with the name and residence of the person so adopting, taking away or indenturing such child; and within forty-eight hours after such child is so given out, taken away or indentured, shall cause a correct copy of the register relating to such child to be sent to the county board of health or county health officer, as the case may be.

Health officers may inspect premises.

SEC. 4. It shall be lawful for the officers and representatives of such county board of health, or for such county health officers and their representatives, and for all health officers, at all reasonable times, to enter and inspect the premises wherein such females and children are so boarded, received or kept, and to call for and inspect the license and the register and to also to see and visit such children and females.

## CHAPTER CCXL.

*An act to prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold.*

[Approved March 20, 1903.]

*The people of the State of California, represented in the senate and assembly, do enact as follows:*

SECTION 1. Every person who sells, gives or delivers to any minor child, male or female, under the age of eighteen years, any intoxicating drink in any quantity whatsoever, or who, as proprietor or manager of any saloon or public house where intoxicating liquors are sold, permits any such minor child under the age of eighteen years, to visit said saloon or public house where intoxicating liquors are sold, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period not exceeding one hundred and fifty days, or by both such fine and imprisonment; *provided*, that this act shall not apply to the parents of such children or to guardians of their wards.

Giving or selling liquors to minors a misdemeanor.

SEC. 2. All acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect immediately upon its passage.

## CHAPTER CCXLI.

*An act to authorize and empower the trustees of the "California Home for Care and Training of Feeble-Minded" to transfer and quitclaim certain real property to the trustees of the town of Santa Clara.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The trustees of the California Home for Care and Training of Feeble-Minded are hereby authorized and empowered to transfer and quitclaim unto the trustees of the town of Santa Clara, in the county of Santa Clara, State of California, all the right, title and interest of said "California Home for Care and Training of Feeble-Minded" in and to that certain piece or parcel of land known as block 147 as designated upon the map of the Santa Clara cemetery, with all and singular the hereditaments and appurtenances thereunto belonging.

Authority to transfer certain land.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCXLII.

*An act to amend section seven of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5th, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney their appointment and term of office.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seven of an act entitled "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof, approved March 5th, 1901," is hereby amended so as to read as follows:

Prosecuting attorney and assistant; terms and salaries.

Section 7. Said police court shall have a prosecuting attorney and an assistant prosecuting attorney, both of whom shall be appointed by the city attorney of the said city, and who shall hold office for the term of two years from the date of their appointments. Said prosecuting attorney shall receive an annual salary of eighteen hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. Said assistant prosecuting attorney shall receive an annual salary of eighteen hundred dollars, which shall be paid in equal monthly installments out of the treasury of said city, which salary shall be in full compensation for all services rendered by him. It shall be the duty of said prosecuting attorney and said assistant prosecuting attorney to attend the sessions of said police court and conduct on behalf of the people all prosecutions for public offenses of which said court has jurisdiction.

Duties.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CCXLIII.

*An act to amend section 5 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," relating to the qualifications of the medical director of said home.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," approved March eleventh, eighteen hundred and ninety-seven, is hereby amended and re-enacted so as to read as follows:

Section 5. Immediately after they qualify, the members of the first board shall meet and organize by electing one of their number president and one of their number vice-president, who shall hold office for two years. They shall also at such meeting, and every two years thereafter, elect a commandant, a secretary, and a treasurer, each of whom shall be either a Union or a Mexican veteran, and neither of whom shall be a member of the board of directors; and a medical director who shall not be a member of the board. The board shall have power to remove any officer elected by it, but no such removal shall be made except for cause and after a full and fair hearing before the board. All vacancies, whether occurring from death, resignation or removal, shall be filled by the board of directors for the unexpired term. The term of office of all officers elected by the board, as herein provided, shall be two years and until their successors shall be elected and qualified. Before entering upon their duties the commandant, secretary, treasurer, and medical director shall take the oath of office and each file with the board an undertaking in such an amount as the board may determine, and conditioned upon the faithful discharge of his duties. Said undertaking shall be signed by at least two sureties, or may be the undertaking of some authorized surety company, but in either case it must be approved by the board. The duties of all officers and employes appointed by the board shall be prescribed by said board and the same may be changed from time to time by a majority vote. The board shall fix the

Organiza-  
tion of  
board.

Medical  
director.

Term of  
office.

Duties of  
officers.

compensation of all its appointees and employés, and may change the same from time to time at its discretion.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER CCXLIV.

*An act to amend an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending sections 10, 12, 14, 15, 19, and 25, repealing sections 16, 17, 18 and adding a new section to be numbered and designated section 21½.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section ten of an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as 'An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," is hereby amended so as to read as follows:

Licensed  
dentists  
must be  
registered.

Section 10. Every person now licensed to practice dentistry in this state, who has failed to register his license with the clerk of the county wherein his place of business is located, as provided by law, must register the same within sixty days after this act takes effect, and every person who shall hereafter be licensed to practice dentistry in this state, shall within six months thereafter register in the office of the clerk of the county where his place of business is located, in a book kept by the clerk for such purpose, and called a register of dentists, his name, age, office address, the date and number of his license to practice dentistry, and the date of such registration, which registration he shall be entitled to make only upon showing to the county clerk his license or a copy thereof certified by the secretary of the board over its seal, and making an affidavit stating his name, age, birthplace, the number of his license and the date of its issue; that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of

Affidavit  
required.

this statute and the rules of the board of dental examiners as to the terms and the amount of study and examination; that no money other than the fees prescribed by this statute and said rules, was paid directly or indirectly for such license, and that no fraud, misrepresentation or mistake in a material regard was employed or occurred in order that such license should be conferred. The county clerk shall preserve such affidavit in a bound volume and shall issue to every licensee duly registering and making such affidavit, a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and license may be offered as primary evidence in all courts of the facts therein stated. A copy of such certificate of registration shall be sent by the county clerk to the secretary of the board within five (5) days after it is made. The county clerk's fees for taking such registration and affidavit and issuing such certificate of registration shall be one (1) dollar. A practicing dentist having registered a lawful authority to practice dentistry in one county of the state, and removing such practice or part thereof to another county shall show or send by registered mail to the clerk of such other county his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued by the board of dental examiners, or if the certificate or registration itself is endorsed by the secretary of the board of dental examiners as entitled to registration, the clerk shall thereupon register the applicant in the register of dentists of the latter county on receipt of a fee of fifty (50) cents, and shall stamp or endorse on such certificate of registration the date and his name preceded by the words "registered also in \_\_\_\_\_ county," and return the certificate of registration to the applicant. Any lawfully registered person who shall thereafter change his name according to law shall register the new name with a marginal note of the former name with the clerk of the county or counties where he is practicing. The clerk shall note upon the margin of his former registration in ink the fact of such change, and a cross reference to the new registration. The clerk shall forthwith notify the secretary of the board of such change. Any county clerk who knowingly shall make or suffer to be made upon the register of dentists kept in his office any entry other than that provided for in this act, shall be liable to a penalty of \$50 to be recovered by and paid to the said state board of dental examiners in a suit in any court having jurisdiction. Any failure, neglect or refusal on the part of any person holding such license to register the same with the clerk of said county as above directed for a period of six months after the issuance thereof shall ipso facto work a forfeiture of his license, and it shall not be restored except upon the payment to said board of twenty-five (25) dollars. Any suspension, revocation or reinstatement of a license shall with the date thereof be forthwith noted by the county clerk on the margin of the registration thereof upon receipt of notice from the secretary of the board.

Duty of  
county  
clerk.

Fees.

Penalty for  
neglect to  
register.

SEC. 2. Section twelve of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Eligibility  
of appli-  
cants for  
examina-  
tion.

Section 12. No person shall be eligible for examination by the state board of dental examiners who shall not furnish satisfactory evidence of having graduated from a reputable dental college, which must have been endorsed by the board of dental examiners of California; or who shall not have graduated from a high school or similar institution of learning, in this or some other state of the United States, requiring a three years' course of study, and who cannot furnish to the board of dental examiners an affidavit, containing his or her name, the name of his or her preceptor, and the names of at least two reputable witnesses, certified to in the State of California before a notary public, showing that he or she has completed an apprenticeship of four years of twelve months each, with a licensed practitioner of dentistry, in the State of California, or cannot furnish to said board of examiners a certificate from the state board of dental examiners, or similar body, of some other state in the United States, showing that he or she has been a licensed practitioner of dentistry in that state for at least five (5) years.

SEC. 3. Section fourteen of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Fee of  
examiners.

Section 14. Every person applying to the board of dental examiners for a license to practice dentistry shall pay to the board a fee of twenty-five (25) dollars, which shall in no case be refunded. Every licensed dentist shall on or before the first day of May of each year, except the one in which he is licensed, pay to the secretary of the board of dental examiners a fee of two (2) dollars, which shall be used exclusively for the prosecution of violators of this act and for expenses of collecting said fee. The year for which a fee shall be paid shall begin the July first following the May when it becomes due and end the succeeding June 30th. The board may reduce or remit altogether said fee for any year, but such reduction or remission must be made alike to all liable to pay the same. In case any person defaults in paying said fee, his license may be revoked by the board of dental examiners on thirty days' notice in writing from the secretary, unless within said time said fee is paid, together with such penalty not exceeding ten (10) dollars, as the board may impose. Upon payment of said fee and penalty the board shall reinstate the delinquent's license. On or before the first day of July of each year the secretary of the board shall send to the county clerk of each county in the state a certified list of all practicing dentists therein who have paid said fee, and the clerk shall enter or paste the same in the register of dentists. Necessary expenses, per diem compensation and mileage of the members of the board incurred while in attendance on meetings not for prosecuting violators of this

License  
may be  
revoked.

Expenses;  
how paid.

act shall be paid out of the other fees and fines provided for in this act. All moneys received under this act shall be deposited in some reliable bank in the name of the board, and shall be withdrawn only on the joint check of the president and the secretary of the board.

SEC. 4. Section fifteen of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Section 15. Any and all persons shall be understood to be practicing dentistry within the meaning of this act who shall for a fee, salary, or reward, paid directly or indirectly, either to himself or to some other person, perform operations of any kind upon, or treat diseases or lesions of the human teeth or jaws, or correct malimposed positions thereof, or display a sign, or in any way advertise himself as a dentist; but nothing in this act contained shall prohibit bona fide students of dentistry from operating in the clinical departments or the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory; or the student of a licentiate from assisting his preceptor in dental operations while in the presence of and under the personal supervision of his instructor; or a duly licensed physician from treating diseases of the mouth, or performing operations in oral surgery. But nothing in the provisions of this act shall be construed to permit the performance of dental operations by any unlicensed persons under cover of the name of a regular practitioner of dentistry.

SEC. 5. All of sections sixteen, seventeen and eighteen of that certain act of the legislature of the State of California; more particularly designated and described in section one hereof, are hereby expressly repealed.

SEC. 6. Section nineteen of that certain act of the legislature in the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Section 19. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable with a fine of not less than fifty (50) dollars or more than five hundred (500) dollars, or by imprisonment for not less than five (5) days nor more than six (6) months in the county jail, or by both fine and imprisonment, who

1. Shall sell or barter, or offer to sell or barter, any diploma or document, conferring or purporting to confer any dental degree, or any certificate or transcript, made or purporting to be made; pursuant to the laws regulating the license and registration of dentists; or

2. Shall purchase or procure by barter, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or

3. Shall with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or



- Use. 4. Shall use or attempt to use any such diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist; or
- False name 5. Shall practice dentistry under a false or assumed name; or
- Assume 6. Shall assume the degree of "doctor of dental surgery" or "doctor of dental medicine," or shall append the letters "D. D. S." or "D. M. D." to his or her name, not having duly conferred upon him or her, by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his or her name, with the intent to represent falsely that he or she has received a dental degree or license; or
- degrees.
- False state- 7. Shall in an affidavit, required of an applicant for examination, license or registration, under this act, willfully make a false statement in a material regard; or
- ment.
- Failure to 8. Shall engage in the practice of dentistry under any title or name without causing to be displayed in a conspicuous manner and in a conspicuous place in his or her office the name of each and every person employed in the practice of dentistry therein, together with the word mechanic or apprentice after the name of each unlicensed person employed; or
- cause name to be displayed.
- Failure to 9. Shall within ten days after demand, made by the secretary of the board, fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association and said employé are and have been practicing dentistry, but said affidavit shall not be used as evidence against such person, company or association in any proceeding under this section; or
- furnish name to dental board.
10. Is practicing dentistry in the state without a license, or whose license has been revoked or suspended.
- Practicing without license. SEC. 7. There is hereby added to that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, a new section, to be numbered section twenty-one and one half as follows:
- Causes for revocation of license. Section 21½. Any dentist may have his license revoked or suspended by the board of dental examiners for any of the following causes:
- Moral turpitude. 1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or by the judge in whose court the conviction is had, shall be conclusive evidence.
- Unprofessional conduct. 2. For unprofessional conduct, or for gross ignorance, or inefficiency in his profession. Unprofessional conduct shall mean employing what are known as cappers, or steerers to obtain business; the obtaining of any fee by fraud or misrepresentation; willfully betraying professional secrets; employing directly or indirectly any student or any suspended or

unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof, except as heretofore provided in section 15; the advertisement of dental business or treatment or devices in which untruthful, improbable or impossible statements are made, or habitual intemperance or gross immorality.

The proceedings to revoke or suspend any license under the first subdivision of section 21½, must be taken by the board on the receipt of a certified copy of the record of conviction. The proceedings under the second subdivision of section 21½ may be taken by the board from the matters within its knowledge, or may be taken upon the information of another. All accusations must be in writing, verified by some party familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation the board shall, if it deem it sufficient, make an order setting the same for hearing, and requiring the accused to appear and answer it at said hearing, at a specified time and place, and the secretary shall cause a copy of the order and of the accusation to be served upon the accused at least ten (10) days before the day appointed in the order for said hearing. The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he do not appear the board may proceed and determine the accusation in his absence. If the accused plead guilty or refuse to answer the charges, or upon the hearing thereof the board shall find them or any of them true, it may proceed to a judgment revoking his license or suspending it. The board and the accused may have the benefit of counsel, and the board shall have power to administer oaths, take the depositions of witnesses in the manner provided by law in civil cases, and to compel them to attend before it in person the same as in civil cases, by subpoena issued over the signature of the secretary and the seal of the board and in the name of the people of the State of California. Upon the revocation of any license, the fact shall be noted upon the records of the board of dental examiners and the license shall be marked as canceled, upon the date of its revocation.

Proceedings to revoke license.

Accusations.

Hearing.

SEC. 8. Section twenty-five of that certain act of the legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:

Section 25. This act shall take effect immediately, and all laws in conflict with this act are hereby repealed.

## CHAPTER CCXLV.

*An act to amend section five and section ten of an act entitled, "An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of board of supervisors concerning such districts and improvements.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five of an act entitled, "An act to provide for the formation of protection districts in the various counties of this state, for the improvement and rectification of the channels of innavigable streams and watercourses, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited, to pay the expenses of the same," is hereby amended so as to read as follows:

Section 5. The board of supervisors of such county shall also have power to condemn land for the purpose of widening, deepening and straightening any innavigable stream flowing through such protection district, or forming a boundary, or any part of a boundary thereof, and for that purpose all the provisions of part three, title seven, of the Code of Civil Procedure are hereby made applicable to the exercise of the right of eminent domain for such purposes, or to any other purpose necessary to the needs of such district when formed; *provided*, that nothing in this act shall be construed as interfering, conflicting or abrogating reclamation districts now established by law. Whenever such innavigable stream or watercourse forms, or the portion thereof deemed proper or necessary to be improved and rectified by widening, deepening or straightening its course, or by erecting levees or dikes upon its bank, forms the boundary line between any two or more counties in this state, the petition shall first be presented to the board of supervisors of the county in which the greatest portion of lands within the proposed district are situated, signed by at least twenty of the property holders of the district, ten (10) from each of the counties to be affected, which petition shall set forth and particularly describe the proposed boundaries of such district and the other matters required by section one of the act of which this act is amendatory, and shall pray for a district to be organized under said act; and when the board of supervisors of any one of said counties has acquired juris-

Board of supervisors may condemn land.

Proceedings when water-course forms county boundary.

diction, as provided in section four of the act of which this act is amendatory, the board of supervisors of each of the other counties, when notified, shall proceed to improve and rectify the channel of said stream or watercourse, so as to prevent the overflow of such stream or watercourse, and in accordance with the terms of said act of which this act is amendatory. And if, after notice, given in writing by the board of supervisors of the county so first acquiring jurisdiction to the board of supervisors of said other counties, either or any county so notified shall fail for sixty days to proceed to take all necessary steps under said act for the prevention of the overflow of such stream, by widening, deepening or straightening its course, or by erecting levees or dikes upon its banks, the board of supervisors having obtained jurisdiction as above provided, and giving such notice shall proceed under the terms of said act to improve and rectify the channel of such stream or watercourse, by widening, deepening, or straightening its course, or by erecting levees or dikes upon its banks, and collect by law, from the county or counties so notified, its proportion of the costs and expenses of said improvement, which shall not exceed in the case of any county one quarter of the total cost thereof; *provided*, said amount shall not exceed in any case for any one county the sum of twenty-five hundred dollars. Nothing herein shall authorize the alteration of the boundary lines of any county, and said boundary lines shall remain as they are at present. Thereafter all costs of every nature that may be incurred or made necessary in the keeping up or preservation of any work or improvement done under the provisions of this section shall be borne by the counties affected by such work or improvement, and the lands within said district in the proportion provided in section 10 of this act.

County  
first ac-  
quiring  
jurisdic-  
tion may  
initiate  
work.

SEC. 2. Section ten of the above mentioned and described act is hereby amended so as to read as follows:

Section 10. Said commissioners shall proceed to view the lands embraced within the boundaries of such protection district, and may examine witnesses under oath, to be administered by any one of them. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and damage to improvements and property affected and also the estimate amount of the costs of the proposed work or improvement and the expenses incident thereto, and having determined the same, shall proceed to assess the same to the county or counties and upon the lands embraced within the exterior boundaries of such protection district. Such assessment shall be made in the manner following, to wit: The board of supervisors shall assess to the county or counties where more than one as an interested and benefited party or parties not exceeding one half of such assessment; *provided*, that in no case shall a county be liable for an amount in excess of one fourth thereof or for any sum greater than twenty-five hundred dollars where there are two or more counties within which said district is formed, and the

Commis-  
sioners  
shall view  
lands, de-  
termine  
values, etc.

Manner of  
assessment

Limit of  
liability of  
county.

remainder of such assessment may be made upon the lands within said district in proportion to the benefits to be derived from said work or improvement, so far as said commission can reasonably estimate the same, including in such estimate the property of any railroad company, within said district, if such there be.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXLVI.

*An act to amend sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered sections 204, 205, 206, 207, and 208, all relating to legal mileage in the state.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

- Legal distances. SECTION 1. Section one hundred and fifty-one of the Political Code is hereby amended so as to read as follows:
- Alameda 151. From the county seat of Alameda county to Sacramento, eighty-four (84) miles.
- Alpine. SEC. 2. Section one hundred and fifty-two of the Political Code is hereby amended so as to read as follows:
152. From the county seat of Alpine county to Sacramento, two hundred and twenty-five (225) miles.
- Amador. SEC. 3. Section one hundred and fifty-three of the Political Code is hereby amended so as to read as follows:
153. From the county seat of Amador county to Sacramento, fifty-nine (59) miles.
- SEC. 4. Section one hundred and fifty-four of the Political Code is hereby amended so as to read as follows:
- Butte. 154. From the county seat of Butte county to Sacramento, eighty-six (86) miles.
- SEC. 5. Section one hundred and fifty-five of the Political Code is hereby amended so as to read as follows:
- Calaveras. 155. From the county seat of Calaveras county to Sacramento, seventy-three (73) miles.
- SEC. 6. Section one hundred and fifty-six of the Political Code is hereby amended so as to read as follows:
- Colusa. 156. From the county seat of Colusa county to Sacramento, seventy-seven (77) miles.
- SEC. 7. Section one hundred and fifty-seven of the Political Code is hereby amended so as to read as follows:
- Contra Costa. 157. From the county seat of Contra Costa county to Sacramento, sixty-two (62) miles.

SEC. 8. Section one hundred and fifty-eight of the Political Code is hereby amended so as to read as follows: Legal distances.

158. From the county seat of Del Norte county to Sacramento, three hundred and sixty-four (364) miles. Del Norte.

SEC. 9. Section one hundred and fifty-nine of the Political Code is hereby amended so as to read as follows:

159. From the county seat of El Dorado county to Sacramento, sixty (60) miles. El Dorado.

SEC. 10. Section one hundred and sixty of the Political Code is hereby amended so as to read as follows:

160. From the county seat of Fresno county to Sacramento, one hundred and sixty-nine (169) miles. Fresno.

SEC. 11. Section one hundred and sixty-one of the Political Code is hereby amended so as to read as follows:

161. From the county seat of Glenn county to Sacramento, eighty-eight (88) miles. Glenn.

SEC. 12. Section one hundred and sixty-two of the Political Code is hereby amended so as to read as follows:

162. From the county seat of Humboldt county to Sacramento, three hundred and twelve (312) miles. Humboldt.

SEC. 13. Section one hundred and sixty-three of the Political Code is hereby amended so as to read as follows:

163. From the county seat of Inyo county to Sacramento, four hundred and sixty-six (466) miles. Inyo.

SEC. 14. Section one hundred and sixty-four of the Political Code is hereby amended so as to read as follows:

164. From the county seat of Kern county to Sacramento, two hundred and seventy-eight (278) miles. Kern.

SEC. 15. A new section is hereby added, to be numbered as one hundred and sixty-five, to read as follows:

165. From the county seat of Kings county to Sacramento, two hundred and fourteen (214) miles. Kings.

SEC. 16. Section one hundred and sixty-six of the Political Code is hereby amended so as to read as follows:

166. From the county seat of Lake county to Sacramento, one hundred and sixty (160) miles. Lake.

SEC. 17. Section one hundred and sixty-seven of the Political Code is hereby amended so as to read as follows:

167. From the county seat of Lassen county to Sacramento, two hundred and sixty (260) miles. Lassen.

SEC. 18. Section one hundred and sixty-eight of the Political Code is hereby amended so as to read as follows:

168. From the county seat of Los Angeles county to Sacramento, four hundred and forty-seven (447) miles. Los Angeles.

SEC. 19. Section one hundred and sixty-nine of the Political Code is hereby amended so as to read as follows:

169. From the county seat of Madera county to Sacramento, one hundred and forty-seven (147) miles. Madera.

SEC. 20. Section one hundred and seventy of the Political Code is hereby amended so as to read as follows:

170. From the county seat of Marin county to Sacramento, one hundred and five (105) miles. Marin.

- Legal distances. SEC. 21. Section one hundred and seventy-one of the Political Code is hereby amended so as to read as follows:
- Mariposa. 171. From the county seat of Mariposa county to Sacramento, one hundred and eighty (180) miles.
- Mendocino. SEC. 22. Section one hundred and seventy-two of the Political Code is hereby amended so as to read as follows:  
172. From the county seat of Mendocino county to Sacramento, one hundred and fifty (150) miles.
- Merced. SEC. 23. Section one hundred and seventy-three of the Political Code is hereby amended so as to read as follows:  
173. From the county seat of Merced county to Sacramento, one hundred and fourteen (114) miles.
- Modoc. SEC. 24. Section one hundred and seventy-four of the Political Code is hereby amended so as to read as follows:  
174. From the county seat of Modoc county to Sacramento, three hundred and twenty-four (324) miles.
- Mono. SEC. 25. Section one hundred and seventy-five of the Political Code is hereby amended so as to read as follows:  
175. From the county seat of Mono county to Sacramento, two hundred and ninety-six (296) miles.
- Monterey. SEC. 26. Section one hundred and seventy-six of the Political Code is hereby amended so as to read as follows:  
176. From the county seat of Monterey county to Sacramento, two hundred and eight (208) miles.
- Napa. SEC. 27. Section one hundred and seventy-seven of the Political Code is hereby amended so as to read as follows:  
177. From the county seat of Napa county to Sacramento, sixty-one (61) miles.
- Nevada. SEC. 28. Section one hundred and seventy-eight of the Political Code is hereby amended so as to read as follows:  
178. From the county seat of Nevada county to Sacramento, seventy-seven (77) miles.
- Orange. SEC. 29. Section one hundred and seventy-nine of the Political Code is hereby amended so as to read as follows:  
179. From the county seat of Orange county to Sacramento, four hundred and eighty-one (481) miles.
- Placer. SEC. 30. Section one hundred and eighty of the Political Code is hereby amended so as to read as follows:  
180. From the county seat of Placer county to Sacramento, thirty-seven (37) miles.
- Plumas. SEC. 31. Section one hundred and eighty-one of the Political Code is hereby amended so as to read as follows:  
181. From the county seat of Plumas county to Sacramento, one hundred and thirty-six (136) miles.
- Riverside. SEC. 32. Section one hundred and eighty-two of the Political Code is hereby amended so as to read as follows:  
182. From the county seat of Riverside county to Sacramento, five hundred and twelve (512) miles.
- Sacramento. SEC. 33. Section one hundred and thirty-eight of the Political Code is hereby amended so as to read as follows:  
138. From the county seat of Sacramento to the state capitol, one (1) mile.

- SEC. 34. Section one hundred and eighty-four of the Political Code is hereby amended so as to read as follows: Legal distances.
184. From the county seat of San Benito county to Sacramento, one hundred and seventy-three (173) miles. San Benito
- SEC. 35. Section one hundred and eighty-five of the Political Code is hereby amended so as to read as follows:
185. From the county seat of San Bernardino county to Sacramento, five hundred and eight (508) miles. San Bernardino.
- SEC. 36. Section one hundred and eighty-six of the Political Code is hereby amended so as to read as follows:
186. From the county seat of San Diego county to Sacramento, five hundred and seventy-three (573) miles. San Diego.
- SEC. 37. Section one hundred and eighty-seven of the Political Code is hereby amended so as to read as follows:
187. From the city of San Francisco to Sacramento, ninety (90) miles. San Francisco.
- SEC. 38. Section one hundred and eighty-eight of the Political Code is hereby amended so as to read as follows:
188. From the county seat of San Joaquin county to Sacramento, forty-eight (48) miles. San Joaquin.
- SEC. 39. Section one hundred and eighty-nine of the Political Code is hereby amended so as to read as follows:
189. From the county seat of San Luis Obispo county to Sacramento, three hundred and forty-three (343) miles. San Luis Obispo.
- SEC. 40. Section one hundred and ninety of the Political Code is hereby amended so as to read as follows:
190. From the county seat of San Mateo county to Sacramento, one hundred and nineteen (119) miles. San Mateo.
- SEC. 41. Section one hundred and ninety-one of the Political Code is hereby amended so as to read as follows:
191. From the county seat of Santa Barbara county to Sacramento, four hundred and sixty (460) miles. Santa Barbara.
- SEC. 42. Section one hundred and ninety-two of the Political Code is hereby amended so as to read as follows:
192. From the county seat of Santa Clara county to Sacramento, one hundred and twenty-eight (128) miles. Santa Clara.
- SEC. 43. Section one hundred and ninety-three of the Political Code is hereby amended so as to read as follows:
193. From the county seat of Santa Cruz county to Sacramento, one hundred and ninety-eight (198) miles. Santa Cruz.
- SEC. 44. Section one hundred and ninety-four of the Political Code is hereby amended so as to read as follows:
194. From the county seat of Shasta county to Sacramento, one hundred and seventy-one (171) miles. Shasta.
- SEC. 45. Section one hundred and ninety-five of the Political Code is hereby amended so as to read as follows:
195. From the county seat of Sierra county to Sacramento, one hundred and nineteen (119) miles. Sierra.
- SEC. 46. Section one hundred and ninety-six of the Political Code is hereby amended so as to read as follows:
196. From the county seat of Siskiyou county to Sacramento, two hundred and ninety-five (295) miles. Siskiyou.



- Legal distances. SEC. 47. Section one hundred and ninety-seven of the Political Code is hereby amended so as to read as follows:
- Solano. 197. From the county seat of Solano county to Sacramento, forty (40) miles.
- Sonoma. SEC. 48. Section one hundred and ninety-eight of the Political Code is hereby amended so as to read as follows:
198. From the county seat of Sonoma county to Sacramento, ninety (90) miles.
- Stanislaus. SEC. 49. Section one hundred and ninety-nine of the Political Code is hereby amended so as to read as follows:
199. From the county seat of Stanislaus county to Sacramento, seventy-seven (77) miles.
- Sutter. SEC. 50. Section two hundred of the Political Code is hereby amended so as to read as follows:
200. From the county seat of Sutter county to Sacramento, fifty-eight (58) miles.
- Tehama. SEC. 51. Section two hundred and one of the Political Code is hereby amended so as to read as follows:
201. From the county seat of Tehama county to Sacramento, one hundred and thirty-five (135) miles.
- Trinity. SEC. 52. Section two hundred and two of the Political Code is hereby amended so as to read as follows:
202. From the county seat of Trinity county to Sacramento, two hundred and seventeen (217) miles.
- Tulare. SEC. 53. Section two hundred and three of the Political Code is hereby amended so as to read as follows:
203. From the county seat of Tulare county to Sacramento, two hundred and six (206).
- Tuolumne. SEC. 54. There is hereby added to the Political Code a new section, to be numbered two hundred and four, to read as follows:
204. From the county seat of Tuolumne county to Sacramento, one hundred and twenty-five (125) miles.
- Ventura. SEC. 55. There is hereby added to the Political Code a new section, to be numbered two hundred and five, to read as follows:
205. From the county seat of Ventura county to Sacramento, four hundred and ninety (490) miles.
- Yolo. SEC. 56. There is hereby added to the Political Code a new section, to be numbered two hundred and six, to read as follows:
206. From the county seat of Yolo county to Sacramento, twenty-three (23) miles.
- Yuba. SEC. 57. There is hereby added to the Political Code a new section, to be numbered two hundred and seven, to read as follows:
207. From the county seat of Yuba county to Sacramento, fifty-two (52) miles.
- Mileage. SEC. 58. There is hereby added to the Political Code a new section, to be numbered two hundred and eight, to read as follows:
208. When mileage is allowed by law to any person, the distance must be computed as herein fixed.

## CHAPTER CCXLVII.

*An act to amend section three thousand seven hundred and thirteen of the Political Code, relating to the levy of taxes.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three thousand seven hundred and thirteen of the Political Code is hereby amended so as to read as follows:

3713. The state board of equalization must, for state purposes for the fifty-fifth and fifty-sixth fiscal years, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property in this state as, after allowing five per cent for delinquencies in and costs of collection of taxes, as provided in section three thousand six hundred and ninety-six of the Political Code, will raise for the fifty-fifth fiscal year: Rate of taxation.  
Fifty-fifth fiscal year.

First—For the general fund, five million two hundred thousand dollars.

Second—For the school fund, two million six hundred and seventeen thousand nine hundred and ninety-three dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

And for the fifty-sixth fiscal year:

First—For the general fund, four million six hundred thousand dollars. Fifty-sixth fiscal year.

Second—For the school fund, two million six hundred and seventeen thousand nine hundred and ninety-three dollars.

Third—For the interest and sinking fund, one hundred and forty-one thousand four hundred and thirty-five dollars.

## CHAPTER CCXLVIII.

*An act to amend section six of an act entitled, "An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six is amended to read as follows:

Section 6. Said police court shall have a clerk for each of the judges of said court, who shall be appointed by the judge of the said court presiding in the department thereof in which Police court clerk

the said clerk is to act, which said clerks shall hold office for the term of two years from the date of appointment. Each of said clerks shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office.

**Bond.** Each of said clerks shall receive an annual salary of one thousand eight hundred dollars a year, payable in equal monthly installments out of the treasury of said city, which salary shall be the full compensation for all services rendered by him.

**Salary.** Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the city justices, or either of them, or by said police court, and receive and pay into the city treasury all fines imposed by said court. They shall also render each month to the city council an exact and detailed account under oath of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices or by said police court, in cases not exceeding one hundred dollars, and may administer and certify oaths. Said clerks shall remain at the court rooms of said court during the business hours and during such reasonable times thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands, belonging to the city. Any violation of this provision shall be a misdemeanor.

**Duties.**

SEC. 2. This act shall take effect immediately from and after its passage.

## CHAPTER CCXLIX.

*An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations. Approved March 13, 1883.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 876 of Article IV of said act is hereby amended to read as follows:

**Duty of treasurer.**

Section 876. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk. He shall pay out said money or warrants signed by the president and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the clerk. When no compensation has

been allowed to him by the board of trustees, he shall be <sup>fees.</sup> allowed one per cent on all moneys received and paid by him as such treasurer. He may credit himself with such per cent in his settlements with the clerk. Upon each quarterly settlement he shall file a statement of his account with the clerk.

## CHAPTER CCL.

*An act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be unlawful for any person owning, controlling, leasing, or possessing land in the State of California, to knowingly permit that certain grass known as Sorghum halepense, otherwise known as Johnson grass, to mature and disseminate its seed, on land so owned, leased, or possessed by such person. Unlawful to permit Johnson grass to mature.

SEC. 2. It shall be unlawful for any person knowingly to sow or disseminate or cause to be sown or disseminated any seed of Sorghum halepense, otherwise known as Johnson grass, upon any land owned or possessed by another. Must not sow seed.

SEC. 3. It shall be unlawful for any person to knowingly sow, disseminate, or cause or permit to be disseminated, any seed of Sorghum halepense, otherwise known as Johnson grass, over or along any roadway, highway, or right of way for ditch purposes, adjacent to premises owned or possessed by him.

SEC. 4. Any person upon being duly convicted of a violation of any of the preceding sections of this act, shall be deemed guilty of a misdemeanor, and may be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail, for a term not exceeding three months. Penalty.

SEC. 5. This act shall take effect immediately from and after its passage.

## CHAPTER CCLI.

*An act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.*

[Approved March 20, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Fruit boxes  
to be  
labeled.

SECTION 1. All fruit, green or dried, contained in boxes, barrels, or packages, which shall hereafter be shipped or offered for shipment in this state by any person, firm, or corporation, shall have stamped, branded, stenciled, or labeled in a conspicuous place on the outside of every such box, barrel, or package, in clearly legible letters at least one-quarter of an inch in height, a statement truly and correctly designating the county and immediate locality in which such fruit was grown.

Violation;  
penalty.

SEC. 2. Any person, firm, or corporation violating any of the provisions or requirements of section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars, nor more than five hundred dollars.

Governor  
to appoint  
inspectors.

SEC. 3. The governor of the State of California, after the passage of this act, shall appoint such inspectors as may be necessary to accomplish the purpose of this act, to serve without compensation, who are hereby vested with full authority to enter any car or depot containing fruit for shipment; or any warehouse, packing house, store room, or other place or places where any fruit is kept, packed, or prepared for shipment, to inspect the same, or any part thereof. Such inspectors are also vested with full authority to examine such books of any person, firm, or corporation engaged in packing or shipping fruit as may be necessary to accomplish the purposes of this act.

SEC. 4. This act shall take effect immediately on and after its passage.

## CHAPTER CCLII.

*An act to add a new section to the Political Code of the State of California, to be known as section 1674, providing for the formation of union school districts and the maintenance therein of union schools.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be known as section sixteen hundred and seventy-four, to read as follows:

1674. Union school districts may be formed, and union schools may be maintained therein, as in this section provided. Union school districts; how formed.

First—When a majority in each district, as shown by the last preceding school census, of the head of families residing in two or more school districts in the same county, shall unite in a petition to the county superintendent of schools for the formation of a union school district, to comprise the districts so petitioning, he shall, within twenty days after receiving said petition, call an election for the determination of the question, and shall appoint three qualified electors in each of the districts petitioning to conduct the election therein. Said election shall be held separately and simultaneously at the public school house in each of the districts petitioning, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be the public school house in each district, at least ten days before said election. Said election shall be conducted by the officers appointed for that purpose, in the manner provided by law for conducting school elections. The ballots at such election, in each district, shall contain the words, "For the union school district," and the voter shall write or print after said words on his ballot the word "Yes" or the word "No." It shall be the duty of said election officers in each district to canvass the vote at said election, and report the result to the county superintendent of schools within five days subsequent to the holding of said election. Election on petition

Second—If a majority of the vote cast at such election, in each and every of such districts, shall be in favor of such union school district, the county superintendent shall (except in the case of the formation of a union district consisting of but two districts, and as hereinafter provided for in subdivision fourth of this section), within fifteen days after receiving the returns of the election held therein, direct the board of trustees in each of said districts to call a meeting of the qualified electors of their respective districts, in the manner provided in section sixteen hundred and seventeen of this code for calling district meetings. At said meeting the qualified electors shall in each district select one representative, whose powers and How conducted.

Canvass of vote.

Duty of superintendent of schools.

duties shall be as hereinafter specified. The representatives so chosen shall name the union school district, and shall have power to make temporary arrangements for the location of one or more union schools therein, and, if satisfactory apartments or buildings in a suitable location are offered or can be procured, for a consideration or at a rental which would make it advisable to accept the same, they shall have the power to secure an option of a lease on such apartment or building for a period not to exceed three years from the first day of July next ensuing. Within forty days after their selection they shall notify the county superintendent of schools that they desire to meet to locate one or more union schools in and for such union district. Thereafter the representatives so chosen shall meet in conjunction with the county superintendent of schools, at a time and place to be named by the superintendent, for the purpose of determining the location of such union school or schools. At such meeting the superintendent shall be the chairman, and shall be entitled to vote and participate in all its proceedings. Should said representatives fail to unanimously agree upon a location for such school or schools, they shall propose in writing to the county superintendent then present, or, if he is not present, they shall transmit to his office, within ten days, the names of the locations which they, or any of them, favor. Within twenty days after receiving such notice, the superintendent shall call an election as provided in subdivision one hereof, to determine the location of the union school or schools. At such election only such sites as have been named by the representatives and certified to the county superintendent shall be voted upon. Any form of ballot by which the voter signifies his choice of location or locations shall be allowed. The result of said election shall be determined and certified to the county superintendent, as provided in said subdivision one. The location or locations which receive the largest number of votes shall be chosen as the location or locations of the school or schools.

Third—A union school district, formed of school districts not all in the same county, is designated a joint union school district.

(1) When a majority in each district, as shown by the last preceding school census, of the heads of families residing in two or more districts, not all in the same county, shall unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts so petitioning, it shall be the duty of each of said superintendents, within twenty days after receiving said petition, to call an election in the district or districts in his county petitioning, for the purpose of determining the question, and appoint three qualified electors in each of such petitioning districts, to conduct the election therein. Said election shall be called and conducted in all respects as specified in subdivision one of this section, except that the form of ballot shall be "For the joint union school district," and the result thereof shall be reported by the election officers in

Name of union district.

Location of union schools.

Election to determine location.

Joint district.

How formed.

Election to determine question.

Ballot.

each district to the superintendent of the county in which such district is situated, within five days subsequent to the holding of said election.

(2) If a majority of the votes cast at such election, in each and every of such districts, shall be in favor of such joint union school district, the county superintendent in each county shall (except in the case of the formation of a joint union district consisting of but two districts, and as hereinafter provided for in subdivision four of this section), within fifteen days after receiving the returns of the election, direct the board of trustees in the district, or districts, in his county, to call a meeting of the qualified electors, as provided in subdivision two of this section. At said meeting the qualified electors, in each district, shall select a representative, as provided in said subdivision. The representatives so chosen shall meet at a time and place to be agreed upon among themselves, and name the joint union school district. The location of the joint union school, or schools, shall be determined by the joint action of the representatives chosen and the county superintendents of the counties, in manner and form as provided for the location of a union school, or schools.

Duty of superintendents.

Name of joint district.

Fourth—Proceedings for the formation of, or for admission to, a union or joint union school district may be begun at any time, but the schools in the districts uniting to form, or that are admitted to, a union or joint union school district, shall remain under the control of their respective boards of trustees until the first day of July next succeeding the formation of the union or joint union district and the location of the union or joint union school, or schools, or of admission to a union or joint union district, on which first day of July the districts uniting to form the union or joint union school district, or the districts admitted to such union, shall cease to exist, except for purposes specified in this section, and the terms of office of the school trustees in said districts shall expire, and the district property of each district so uniting or admitted shall vest in such union or joint union district and pass to the control of the board of trustees of such district, to be held and disposed of by them, as provided in section sixteen hundred and seventeen of this code; *provided*, that in union or joint union school districts formed by the union of but two school districts, no selection of representatives, as provided for in subdivision two of this section, is necessary, and the two boards of trustees for the original school districts shall act as the representatives, and shall constitute the board of trustees for the new union or joint union school district, and each of such trustees shall continue in office for the term for which he was elected, except as hereinafter provided; *and provided further*, that the proceeds of any sale by the board of trustees of the union or joint union school district, of school property that originally belonged to any of the original districts, must first be applied to the discharge of any bonded indebtedness of such original district.

Proceedings may begin at any time.



Board of trustees.

Fifth—In the formation of union or joint union school districts, the representatives selected according to the provisions of subdivision two of this section shall act as a board of trustees for such union or joint union district, until the election or appointment and qualification of the regular board of trustees, as hereinafter provided.

Of whom composed.

Sixth—In union or joint union school districts, formed by the union of more than two school districts, the board of trustees shall be composed of one member elected from each district composing the union or joint union district, at the time and in the manner presented for the election of school trustees, except as otherwise provided in this section. The

Districts to be divided into classes

county school superintendent (or superintendents by concurrent action in joint union school districts) shall, in union or joint union school districts composed of three or more school districts, divide the districts composing the union or joint union school district into three classes, as nearly equal in number of school districts as possible, to be designated by him (or them) as class A, B, and C, respectively. At the first annual school election following the organization of the union or joint union school district and the location of the school or schools, the districts in class A, as so divided and designated, shall each elect a school trustee for one year; the districts in class B shall each elect a school trustee for two years; the districts in class C shall each elect a school trustee for three years; and all the trustees so elected shall constitute the board of trustees of the union or joint union school district. At each

Annual elections.

annual election thereafter, as terms of office expire, the school trustees shall be elected for three years, and, in case of expiration of term of appointment, for the unexpired term.

Vacancies.

Vacancies in the board of school trustees shall be filled by appointment by the county superintendent of schools (in case of joint union school districts by appointment by the county superintendent of the county in which the vacancy occurs), the appointee or appointees to hold until the first day of July next succeeding the appointment.

Trustees of union of two districts.

Seventh—In union or joint union school districts formed by the union of but two school districts, the board of trustees of the union or joint union district shall consist of the two boards of trustees of the districts so uniting, and each trustee shall continue to hold office for the term for which he was elected; *provided*, that should one or more additional districts at any time be admitted to such union or joint union district, the board of trustees shall then consist of one trustee from each of the original districts, as provided in subdivision six of this section, and the terms of the trustees in the two original districts and of the trustees in the district or districts admitted shall expire on the first day of July next ensuing after the admission of the third district.

May erect or lease building.

Eighth—After the location of the union or joint union school, or schools, has been determined, as provided in subdivision two of this section, the representatives, acting as a board of trustees, or their successors, may erect or lease a suitable building, as they

may deem most advisable. A lease shall not be made for a longer period than three years. A building may be erected under the provisions of sections eighteen hundred and thirty to eighteen hundred and thirty-nine, inclusive, of this code, relating to a district tax, or sections eighteen hundred and eighty to eighteen hundred and eighty-nine, inclusive, of this code, relating to the issuance of bonds. In all cases the plans must be approved by the county superintendent of schools of the county in which the school house is to be located.

Ninth—No change of location of any union or joint union school, when once established, shall be made, except upon a petition to the county superintendent of schools (or superintendents, in case of a joint union district), signed by two thirds of the heads of families residing in such district, as shown by the last preceding school census, and then only in accordance with all the provisions for the original location of the school, as contained in subdivisions two and three of this section. Change of location; how made.

Tenth—The powers and duties of boards of trustees in union or joint union school districts shall be such as are now, or may hereafter be, assigned by law to boards of school trustees, except as otherwise provided in this section. Powers of trustees.

Eleventh—Boards of trustees of union or joint union school districts shall hold regular meetings at the school building, at such time as may be provided in the rules and regulations adopted by them for their own government. Such meetings shall not be held less frequently than quarterly. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof, pursuant to such request. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than as specified in the call therefor; *provided*, that in union and joint union districts formed by the union of more than three school districts the board may appoint an executive committee, consisting of the president and the clerk and one other member of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting ensuing. Meetings.  
Special meetings.

Twelfth—The course of study shall be that prescribed by the proper authority, and shall embrace a period of not less than eight years, except as may be hereafter provided by law; and the text-books used shall be those adopted by the proper authorities. In joint union districts the provisions of section fifteen hundred and eighty-three of this code shall apply. Course of study.

Thirteenth—The board of trustees of a union or joint union school district may contract, in such manner as they may deem best, for the transportation, to and from school, of such pupils as may seem to such board to be in need of such transportation, and shall pay for such transportation, in the usual manner, out of any funds available for the purpose; *provided*, Transportation of pupils.

that all such contracts for transportation shall be first approved by the county superintendent (or superintendents) of schools of the county (or counties) in which such district is situated.

Supervising principal.

Fourteenth—Whenever in their judgment it may be deemed advisable the board of trustees for any union or joint union school district may unite with the trustees of any other school district, single, union or joint, in the employment of a supervising principal, who shall devote such time to the supervision of instruction in the several school districts and shall receive such compensation from each board of trustees as may be agreed upon by them.

Transfer of funds.

Fifteenth—(1) On the first day of July next ensuing after the formation of a union or joint union school district, or the admission thereto of a school district, the county superintendent of schools (or superintendents in joint union school districts) shall transfer, by requisition upon the county auditor, all funds remaining to the credit of the different districts uniting to form the union or joint union district (or to the credit of the district admitted thereto) to the credit of such union or joint union district.

School census.

(2) For the purposes of school census enumeration and the apportionment of school moneys, the several school districts uniting to form a union or joint union school district shall be regarded as continuing their separate existence; *provided*, that but one census marshal shall be appointed to take the school census for all of such uniting districts, whose duty it shall be to take the census for each and all of such several districts and include the same, separately stated for each district, in one report; *and provided further*, that no moneys shall be apportioned directly to any of such several districts, while forming a part of an organized union or joint union school district, but there shall be apportioned to such union or joint union district the aggregate of moneys that would be apportioned to the several school districts composing it, if such several districts were not united.

Apportionment of moneys.

Other districts may be annexed; petition for.

Sixteenth—(1) Any school district may be admitted to a union or joint union school district by action of the board of supervisors of the county in which such school district is located, upon such terms as may be agreed upon between the board of trustees of the school district seeking admission and the board of trustees of the union or joint union school district, whenever a majority of the heads of families residing in such school district, as shown by the last preceding school census, shall present to said board of supervisors a petition for such annexation, accompanied by a petition for such annexation signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. The county superintendent of schools shall then classify the newly admitted district, in class A, B, or C, as provided in subdivision six of this section, for the election of a trustee thereby. If such petitioning school district and such union or joint union school district be not wholly situated in the same county, then said petitions shall be presented in

duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation shall be made only by the concurrent action of all of such boards of supervisors; and in that case the classification of the annexed district, for election of a trustee, shall be made by concurrent action of the county superintendents of each and all of such counties.

(2) A portion of a school district may be admitted to an adjacent union or joint union school district by action of the board of supervisors of the county in which such school district is situated, whenever a majority of the heads of families residing in such school district, as shown by the last preceding school census, shall present to said board of supervisors a petition for such annexation, accompanied by a petition for such annexation signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired. The board of supervisors shall attach such annexed portion of a school district to a contiguous original school district forming part of the union or joint union district, for voting and other purposes, and such annexed portion shall thereafter be a part of the original district to which it is so attached, and cannot subsequently withdraw from the union or joint union district, except as the district to which it is so attached withdraws. Such annexed portion shall have no representation on the board of trustees of the union or joint union school district, except as a part of the district to which it is attached. If such portion of a school district and such union or joint union school district be not wholly situated in the same county, then said petitions shall be presented in duplicate to the board of supervisors of each and every county in which any part of either of such districts is situated, and such annexation, and such attachment of annexed portion to one of the original districts, shall be made only by the concurrent action of all of such boards of supervisors.

A portion of a district may be admitted.

When in different counties.

(3) Any school district contained in a union or joint union school district may, in like manner, withdraw from such union or joint union district by action of the board (or boards) of supervisors of the county (or counties) in which the union or joint union district is located, upon such terms as may be agreed upon between the trustee of the school district seeking to withdraw and a majority of the other members of the board of trustees of the union or joint union district, whenever a majority of the heads of families residing in the union or joint union district, including two thirds of the heads of families residing in the district seeking to withdraw, as shown by the last preceding school census, shall present to such board or boards of supervisors a petition for such withdrawal, accompanied by a written consent to such withdrawal signed by a majority of the members composing the board of trustees of such union or joint union district.

How districts may withdraw from union

Seventeenth—Any union or joint union school district, formed under the provisions of this section, and which shall have been in existence three years or more, may be dissolved in

How dissolved.

the following manner: A petition signed by two thirds of the heads of families residing in such district, as shown by the last preceding school census, shall be presented to the county superintendent of schools of the county in which such district is situated, setting forth briefly the reasons for dissolution and praying that the question may be submitted to the voters in such district. Upon receiving such petition the superintendent shall, within twenty days, call an election in the district, submitting to the voters therein the question of dissolution of such district. If such petitioning district be not wholly situated within the same county, said petition shall be presented in duplicate to the superintendent of each county having territory within such district, and each superintendent so petitioned shall, within twenty days after receiving such petition, call an election in the territory situate within his county and forming part of such district, and appoint three electors resident within such territory to conduct such election therein. Notice of such election, which must be held throughout the district on the same day and during the same hours, shall be given by posting written or printed notice thereof in at least three of the most public places in such district for at least twelve days next before the day set for such election; and if such district be not wholly situated in the same county, said notice shall be posted for said time in three of the most public places in the portion of the district in each county. Said election shall be conducted in the manner provided by law for conducting school elections. The ballots shall have printed on them the words "For dissolution," and the voters shall write or print thereafter the word "Yes" or the word "No." The election officers shall report the result of such election, within five days thereafter, to the county superintendent of schools of the county of which they are residents. If a majority of all the votes cast at such election be opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years next following such election. If the district in which such election is held be wholly situated in one county, and if two thirds of all the votes cast at such election be in favor of dissolution, the county superintendent of such county shall forthwith certify the result of such election to the board of supervisors of such county, and such board shall, at its first regular meeting thereafter, make an order declaring such union district dissolved, such order to take effect at the end of the current school year, except as hereinafter provided. If the district in which such election is held be not wholly situated in one county, each of the county superintendents of the counties having territory therein shall immediately certify to the others the result of the election in his own county, and if two thirds of all the votes cast at such election be in favor of dissolution, all of such county superintendents shall, jointly, forthwith certify the result of such election to the board of supervisors of each of such counties, and said boards, and each of them, shall, at the first regular meeting thereafter, make an

Notice of election to be posted.

Ballots.

Two-thirds vote to prevail.

order declaring such union or joint union district dissolved, such order to take effect at the end of the current school year, except as hereinafter provided. When a union or joint union school district has been thus dissolved, the property thereof shall be sold by the board of supervisors of the county in which such property is situated, and the proceeds of such sale, together with any moneys in the treasury to the credit of such dissolved district, shall be apportioned to and placed to the credit of the school districts that composed such dissolved district, in proportion to the value of property in each of such school districts, as determined by the last previous assessment therein for school purposes, and the board or boards of supervisors of the county or counties in which such dissolved district is situated shall make such orders, and such transfers from county to county, as may be necessary or proper to effect such apportionment. From and after the time of the making of the order or orders hereinafter provided for, declaring a union or joint union school district dissolved, the original school districts composing the same, with such additional territory as shall have been annexed to them, shall be considered to be in existence again, as separate districts, and subject to the provisions of sections fifteen hundred and ninety-three to sixteen hundred and two of this code, relating to elections for school trustees, the first of such elections in each of such districts to be held as in the case of a newly formed district; but such order or orders shall not affect the continuance of the union or joint union board of trustees, or the maintenance of the union or joint union school, until the end of the current school year, at the expiration of which time such board and school shall cease to exist.

Disposi-  
tion of  
property.

Original  
districts  
revived.

SEC. 2. This act shall take effect and be in force from and after its passage.

### CHAPTER CCLIII.

*An act to amend section 359 of the Civil Code relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 359 of the Civil Code is hereby amended to read as follows:

359. No corporation shall issue stocks or bonds except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness is void. Every

Fictitious  
increase of  
stock is  
void.

corporation may increase or diminish its capital stock, and every corporation or two or more corporations, may create or increase its or their bonded indebtedness, subject to the following provisions:

How capital stock may be increased or diminished.

First—The capital stock of a corporation may be increased or diminished at a meeting of the stockholders by a vote representing at least two thirds of the subscribed or issued capital stock, or in the manner otherwise in this section provided; when by meeting as aforesaid, then such meeting must be called by the board of directors or trustees and notice must be given by publication in a newspaper published in the county or city and county where the principal place of business of such corporation is located, or if there be none published in said county or city and county, then in a newspaper published in an adjoining county or city and county, such paper to be designated by the board of directors or trustees in the order calling for the meeting.

What notice must specify.

Second—The notice must specify the object of the meeting and the amount to which it is proposed to increase or diminish the capital stock, the time and place of holding the meeting, which latter must be at the principal place of business of the corporation and at the building where the board of directors or trustees usually meet. The notice herein provided must be published once a week for at least sixty days. The capital stock cannot be diminished to an amount less than the indebtedness of the corporation.

How bonded indebtedness may be created or increased.

Third—The bonded indebtedness of a corporation may be created or increased by a vote of the stockholders representing at least two thirds of the subscribed or issued capital stock at a meeting called by the board of directors or trustees, and after notice of the time and place of the meeting published in the same manner and for the time prescribed, which notice shall state the amount of the bonded indebtedness which it is proposed to create, or the amount to which it is proposed to increase such indebtedness, and shall in all other respects contain the same matters as are above provided and set forth in the notice of meeting to increase or diminish the capital stock; or such original creation of bonded indebtedness may be made as otherwise in this section provided.

Stockholders shall be notified.

Fourth—In addition to the notice by publication, when proceedings are to be had hereunder at a meeting of stockholders, the secretary of the corporation shall also address a notice to each of the stockholders whose names appear on the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to such stockholders at least thirty days before the day appointed for such meeting.

Directors may diminish stock, and create indebtedness by resolution.

Fifth—In lieu of such call for meeting of stockholders and of such notice and publication of the same and of a stockholders' meeting held in pursuance thereof and of said vote thereat representing at least two thirds of the subscribed capital stock, any corporation may diminish its capital stock

and also originally create its bonded indebtedness by a resolution adopted by the unanimous vote of its board of directors or trustees at a regular meeting or at a special meeting called for that purpose and approved by the written assent or assents of the stockholders holding two thirds of the subscribed or issued capital stock, which assent or assents must be filed with the secretary of the corporation; but the secretary of the corporation must address by mail, postage fully prepaid, a copy of such resolution to each of the stockholders whose names appear upon the company's books as sufficiently addressed or identified, at his place of residence, if known, and if not known, then at the place in which the principal place of business of the corporation is situate, which notice shall be so mailed to such stockholders at least thirty days before the certificate hereinafter provided is made and signed or filed, as hereinafter provided, and within that time any stockholder may file with such secretary his dissent in writing; but it is *further provided* that if at any time within said thirty days such written assent or assents of the stockholders holding all of the subscribed or issued capital stock be so filed with said secretary, then and at once and without further delay the certificate hereinafter provided for may be so made, signed and filed as hereinafter provided and with the same effect, but such capital stock cannot be diminished to an amount less than the indebtedness of the corporation, and no increase of capital stock or bonded indebtedness can be made, except at a meeting of stockholders as in this section provided.

Limit of  
diminution.

Sixth—Any two or more corporations may by a separate compliance by each corporation with the provisions of this section applicable in the premises in respect to creating or increasing bonded indebtedness, create or increase a consolidated bonded indebtedness of such corporations, to be binding jointly and severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations, acquired or to be acquired.

Consolidated indebtedness

Seventh—Upon such increase or diminution of the capital stock or creation or increase of the bonded indebtedness being made in accordance with the provisions of this section there shall be made, if proceedings are had under subdivisions first, second, third and fourth above, a certificate under the corporate seal and signed by the president and secretary of the corporation or of each corporation acting in the premises and a majority of the directors or trustees of such corporation, or each corporation so acting, showing a compliance by such corporation, or each corporation so acting, with the requirements of said last named subdivisions and the amount to which the capital stock has been increased or diminished or the amount of the bonded indebtedness created, or to which the bonded indebtedness may have been increased, and the amount of stock represented at the meeting and the total vote in the affirmative by which the same was accomplished and the total

Certificate of increase or diminution to be filed.



vote in the negative; or if such proceedings be had and taken under subdivision fifth of this section as to diminution of capital stock or original creation of bonded indebtedness a like certificate shall be made and sealed and signed, as aforesaid, showing a compliance by such corporation, and by each corporation acting in the premises, with the requirements of said subdivision fifth, and the amount to which the capital stock has been diminished or the amount of bonded indebtedness so originally created, and the total amount of the stock represented by the said written assent or assents so filed with the secretary and the total amount of stock represented by the said written dissent or dissents so filed. In case of a consolidated bonded indebtedness each corporation which is a party thereto shall cause to be made and sealed and signed and verified and filed, as in this section provided, a separate certificate.

What certificate shall show.

Eighth—In all cases the certificates shall state the total number of subscribed or issued shares of the capital stock of the corporation, or of each corporation respectively acting in the premises, and shall be verified by the oath of the said president and secretary, or of the said respective presidents and secretaries. Such consolidated bonded indebtedness may be created or increased to an amount equal to the par or face value of the aggregate amount of the subscribed or issued capital stocks of said two or more corporations, but shall not exceed such aggregate amount. In each and every case the certificate must be filed in the office of the clerk in the county or city and county where the original articles of incorporation of the corporation or corporations acting hereunder are filed and a certified copy thereof, certified by such clerk, shall be filed in the office of the secretary of state; and thereupon the capital stock shall be so increased or diminished, or the bonded indebtedness or consolidated bonded indebtedness shall be created or increased accordingly, and such certificate or certificates so filed shall be, when said certified copy or copies are so filed, conclusive proof of such increase or diminution of capital stock or such creation or increase of bonded or consolidated bonded indebtedness and the validity of each thereof. When the by-laws of a corporation prescribe the paper in which notices of meetings of directors or trustees or stockholders are to be published the notices of publication herein provided for shall be published in such paper, unless publication thereof shall have ceased.

Where filed

Publication of notices.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLIV.

*An act to amend section three hundred and eighty-two of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Section three hundred and eighty-two of the Penal Code of the State of California is hereby amended to read as follows:

382. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with the fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted; and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, or who, in response to an inquiry for any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, sells or offers for sale, a different article, or an article of a different character or manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor; *provided*, that no retail dealer shall be convicted under the provisions of this section if he shall prove a written guaranty of purity obtained from the person from whom he purchased such adulterated or diluted goods.

Adulteration of food, drink, etc.

## CHAPTER CCLV.

*An act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure by adding thereto a new section relating to taking depositions, to be numbered 2025½.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure is hereby amended by adding thereto a new section to be numbered Section 2025½ to read as follows:

2025½. When a party shall desire to take the evidence of a non-resident witness, to be used in any cause pending in this state, the party desiring the same (or where notice shall have been given that a commission to take the testimony of a

Deposition of non-resident witness.

non-resident witness will be applied for, the opposite party, upon giving the other three days' notice in writing of his election so to do), may have a commission directed in the same manner as provided in section two thousand and twenty-four Code of Civil Procedure, to take such evidence, upon interrogatories to be propounded to the witness orally; upon the taking of which each party may appear before the commission, in person or by attorney, and interrogate the witness. The party desiring such testimony shall give to the other the following notice of the time and place of taking the same, to wit: ten days, and one day in addition thereto (Sundays included) for every three hundred miles' travel from the place of holding the court to the place where such deposition is to be taken. When a party to a suit shall give the opposite party notice to take a deposition upon oral interrogatories, and shall fail to take the same accordingly, unless such failure be on account of the non-attendance of the witness, not occasioned by the fault of the party giving the notice, or some other unavoidable cause, the party notified, if he shall attend himself or by attorney, agreeably to the notice, shall be entitled to two dollars per day for each day he may attend under such notice, and to six cents per mile for every mile that he shall necessarily travel in going to and returning from the place designated to take the deposition, to be allowed by the court where the suit is pending and for which execution may issue.

Costs for non-attendance of opposite party.

## CHAPTER CCLVI.

*An act to add four new sections to the Civil Code to be numbered 581, 582, 583, and 583a, relating to banks and banking.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered five hundred and eighty-one to read as follows:

581. No savings bank shall lend to exceed sixty per cent of the market value of any piece of real estate to be taken as security, except for the purpose of facilitating the sale of property owned by the corporation. And it shall be unlawful for any savings and loan society, or savings bank, to purchase, invest, or loan its capital, or the money of its depositors, or any part of either, in mining shares or stocks. Any president or managing officer who knowingly consents to a violation of the above provision shall be deemed guilty of a felony.

SEC. 2. A new section is hereby added to said code to be numbered five hundred and eighty-two to read as follows:

582. Every person or number of persons not being incorporated, engaged in the business of banking, or publicly

Restrictions on savings banks.

True names of persons engaged in banking must be shown.

receiving money on deposit must conduct such business under a name which shows the true names of all persons engaged therein, unless such person or persons have complied with the provisions of Article VII of Chapter II of Title X of Part IV of Division Third of said Civil Code. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

SEC. 3. A new section is hereby added to said code to be numbered 583 to read as follows:

583. The directors of any savings bank, bank, or bank- Dividends.  
ing corporation having a capital stock, may semi-annually declare a dividend of so much of the net profits of the stock- holders as they shall judge expedient; but every such corpora- tion shall, before the declaration of such dividend, carry at least one tenth ( $\frac{1}{10}$ ) part of the net profits of the stockholders for the preceding half year to its surplus or reserve fund until the same shall amount to twenty-five per centum of its paid-up capital stock. But the whole or any part of such surplus or reserve fund, if held as the exclusive property of stockholders, may at any time be converted into paid-up capital stock, in which event such surplus or reserve fund shall be restored in manner as above provided until it amounts to twenty-five per centum of the aggregate paid-up capital stock. A larger surplus or reserve fund may be created, and nothing herein contained shall be construed as prohibitory thereof. Surplus fund.

SEC. 4. A new section is hereby added to said code to be numbered 583a to read as follows:

583a. No banker, nor officer of any bank or corporation doing a banking business, shall advertise in any manner, or publish any statement of the capital stock authorized or subscribed, unless he advertise and publish in connection therewith, the amount of capital actually paid up. Any officer, or the officers of any bank or corporation doing a banking business, advertising in any manner, or publishing, a statement of the capital stock of such bank or banking corporation, authorized or subscribed, without the statement in connection therewith of the stock actually paid up, shall be guilty of a misdemeanor. Capital actually paid up must be published.

SEC. 5. This act takes effect from and after its passage.

## CHAPTER CCLVII.

*An act to amend section 1596 of an act entitled "An act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and ninety-six of an act entitled "An act to establish a Political Code of the State of California," approved March twelfth, eighteen hundred and seventy-two, is hereby amended so as to read as follows:

School  
elections,  
precincts,  
etc.

1596. Trustees or board of education charged with the calling, conduct and carrying on of elections, may subdivide the district into election precincts for the holding of the election, and may change and alter such precincts as often as occasion may require, and must appoint one inspector and two judges of election in each precinct; if none are so appointed, or, if those appointed are not present at the time for opening the polls, the electors present may appoint them, and they shall conduct the election.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLVIII.

*An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Drainage  
of wet  
lands; peti-  
tion for.

SECTION 1. Whenever ten or more landholders owning parts of any body of wet, swamp or overflowed lands susceptible of drainage by a ditch or drain, or a system of ditches or drains, shall file with the board of supervisors of the county in which said lands, or a portion thereof, are situated, a petition for the establishment of such ditch or drain, or system of ditches or drains, for the draining of said body of lands, defining the boundaries of such body of lands and the location and courses of such ditch or drain, or system of ditches or drains, through said body of lands, and the lands through which it or they are to pass to their outlets, and shall give said supervisors a good and sufficient bond for the payment of all costs that may accrue provided said petition shall not be granted, said supervisors shall, within thirty days of the filing of said petition,

Bond.

appoint a day for the hearing of the same, which shall not be less than fifteen nor more than forty days from such appointment; and shall, also, cause to be published in some newspaper published and having a general circulation in the county, a copy of said petition together with a notice by the clerk of said board of the time and place set for hearing said petition; said publication shall be in a daily or weekly newspaper and for at least two weeks next preceding the time set for said hearing. Hearing.

SEC. 2. Said supervisors shall also direct the county surveyor to survey the line or lines of said proposed ditch or drain, or system of ditches or drains, taking notes of the descent of the land and the character thereof, and report to said board, on or before said day of hearing, the descent, if any, between the head and outlet of said ditch or ditches, together with a list of intermediate grades, the lands benefited by said proposed ditch or ditches, and such other information as may come under his notice upon the matter of such proposed location. In locating such ditches or drains, whenever practicable, they shall be located on section or subdivision lines, but the said surveyor may, in surveying the same, follow the lines of location described in said petition or vary therefrom as he may deem for the greatest advantage of said lands and the best location of said ditch or ditches. Survey of proposed drain.  
Location.

SEC. 3. Upon the hearing of said petition any person interested in the lands described therein, or the community in which the same are located, may appear and support or oppose the granting of said petition, and witnesses may be sworn and testify in reference thereto. Interested persons may appear.

SEC. 4. If the supervisors shall, on hearing the petition, find that the construction of the ditch or drain, or system of ditches or drains, petitioned for (or as modified by the report of the surveyor) would be advisable, and beneficial to the lands described in the petition, or a smaller body lying within the same, and such body of lands so to be benefited constitute the lands of a farming community or neighborhood, or that the construction of said ditch or drain, or system of ditches or drains, would be conducive to the health of the community or neighborhood in which they lie, then, the supervisors shall, in their discretion, grant said petition for the construction of said ditch or drain, or system of ditches or drains, as prayed for (or as modified by the report of the surveyor) and shall proceed to examine the lands affected thereby, and shall direct the surveyor to survey the same and set stakes every hundred feet, and to make a journal of the depth and width to be excavated at each of said stakes. If, upon the hearing, the said supervisors shall find the location of said ditch or ditches inadvisable, the petition shall be denied and the costs of the proceedings shall be collected from the petitioners or their bondsmen. Supervisors may grant or deny petition.

SEC. 5. After having made such examination of the lands so affected said supervisors shall then apportion the excavation of said ditch and the cost of location (including the cost of Costs to be apportioned to lands affected.

right of way, when necessary) and superintendence of construction by the surveyor, to the lands affected thereby, according to the benefits received, after giving notice to the owners of such lands of the time and place of making such apportionment, and giving to each a hearing. The names of such owners may be taken from the last assessment books of the county wherein such lands are situate, and such notice shall be in writing, delivered to each land-owner resident upon such land so affected, or left at his place of residence with some competent person, at least ten days before the time set for said hearing, and to each land-owner not resident upon such lands so affected, by depositing the same in the postoffice directed to him at his place of residence or address, at least twelve days before said time so set for said hearing, and in case the residence or postoffice address of such non-resident be not known, then by posting said notice in a prominent place on the lands so affected and owned by him, at least twelve days before the time set for said hearing. All notices provided for in this act shall be given by the clerk of said board of supervisors, by and under their direction and authority.

Notice to owners.

SEC. 6. After having completed said hearing and apportionment, the board shall then give notice in the same manner as provided in section five, to all the land-owners of the part of ditch apportioned to them, as described by the stakes and their numbers, and of the specifications of the ditch, and, also, of the cost of location and superintendence of construction (and right of way, when necessary); and said notice shall also specify the time set for the completion of the work and the payment of the cost of location, superintendence and right of way.

Proceedings for construction of work.

SEC. 7. On the day set for the completion of the work, or as soon thereafter as is practicable, the county surveyor shall proceed to examine said ditch or ditches, and if, in his opinion, any portion thereof shall not be completed according to the specifications, he shall report the same to the board of supervisors, who shall fix a reasonable time within which the same shall be completed, and shall notify the person to whom said portion was apportioned to complete the same within such time. If not so completed, at the expiration of the time specified said board of supervisors shall advertise the construction of the same by posting notices for two weeks in three conspicuous places within the territory affected by said ditch. Upon the time specified in said notice said supervisors shall proceed to let the same to the lowest responsible bidder, who shall give such bonds as shall be required by said board, and shall proceed to complete such works in the time agreed upon. The board shall report the cost of such work to the county auditor, who shall cause the amount thereof to be entered on the tax books of the county, and the same shall be a tax upon said lands, which amount shall be collected the same as other taxes, and paid to the person performing such work. The cost of location and supervision, and right of way, if not paid at the time required, shall also be reported in like manner to the

Duty of auditor.

county auditor and collected as a tax upon the lands affected, and paid to the county treasurer.

Sec. 8. The county treasurer shall place such funds to the credit of each respective ditch fund and shall pay out the same on warrants drawn by the board of supervisors. The treasurer shall receive, as compensation for his services, one per cent of all moneys by him disbursed under this act. Duty of treasurer.

Sec. 9. The county surveyor shall superintend the construction of all ditches and drains constructed under the provisions of this act, and when constructed they shall be in charge of the officer having charge and supervision of the roads in the district in which they lie. The owners of lands to whom they have been apportioned, shall keep in repair such ditches in accordance with the apportionment, and if not so kept in repair, the board of supervisors shall direct the same to be done, and the cost thereof shall be a tax upon the land, to be collected as hereinbefore provided. When constructed, shall be in charge of road-master.  
Repairs.

Sec. 10. Any person causing an encroachment or obstruction to any ditch or drain created under the provisions of this act, and failing to remove the same for the space of twenty-four hours after notice shall have been given to such person by the roadmaster, if he can be found in the county, otherwise by posting by him at or near the place of encroachment or obstruction, may be fined not exceeding two hundred dollars, or imprisoned not more than thirty days in the county jail, or by both such fine and imprisonment. The fines so collected shall be placed to the credit of the district road fund where such encroachment or obstruction is had, and proceedings for such offenses may be had before any court of competent jurisdiction. Obstructions.

Sec. 11. The provisions of this act shall not be construed so as to permit waters to be carried out of their natural course to augment other streams or drains, to the damage of the residents along the banks of the streams or drains so augmented.

Sec. 12. Whenever the board of supervisors cannot purchase, at a reasonable price, or procure the right of way, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the president of the board may proceed to condemn the same under the provisions of Title VII, Part III, of the Code of Civil Procedure, and amendments thereto, which are now existing or may hereafter be made. Lands may be condemned.

Sec. 13. This act is not intended to supersede or repeal any other act for the construction or maintenance of ditches or for drainage purposes, but is intended as an independent and alternative means of constructing such ditches where most applicable or desirable to the parties interested.

Sec. 14. This act shall take effect and be in force from and after its passage.



## CHAPTER CCLIX.

*An act to amend section fifteen hundred and seventy-seven of the Political Code of California, relating to the formation of new school districts.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fifteen hundred and seventy-seven of the Political Code is hereby amended to read as follows:

Formation  
of new  
school dis-  
trict.

1577. First—No new school district shall be formed at any other time than between the first day of December and the fifth day of April, nor at that time unless the parents or guardians of at least fifteen census children, residents of such proposed new district, and residing at a greater distance than two miles by a traveled road from the public school house in the district in which said parents or guardians reside, present a petition to the superintendent of schools, setting forth the boundaries of the new district asked for; *provided*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from the said public school house may be dispensed with when the petition shall be signed by the parents or guardians of fifty or more census children residents of a district containing more than three hundred census children.

Two-mile  
limit may  
be dis-  
pensed  
with.

Change of  
boundaries

Second—The boundaries of a school district, except as provided in section one thousand five hundred and fifty-one of the Political Code, shall be changed only between the first day of January and the fifth day of April in any year, and then only when at least ten heads of families residing in the districts affected by the proposed change of boundaries shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same; *provided*, that two or more districts lying contiguous may at any time be united to constitute but one district, whenever a petition signed by a majority of the heads of families residing in each of said districts shall be presented to the superintendent of schools.

Formation  
of joint  
districts.

Third—Joint districts (that is, districts lying partly in one county and partly in another) may be formed at any time between the first day of December and the fifth day of April in any year, whenever a petition signed by the parents or guardians of at least fifteen census children, residents of such proposed joint district and residing at a greater distance than two miles by a traveled road from any public school house, shall be presented to the superintendent of each county affected by the proposed formation of the joint district; *and provided further*, that the provision requiring that the petitioners shall reside a distance of more than two miles by a traveled road from any public school house may be dispensed with when the

Two-mile  
limit may  
be dis-  
pensed  
with.

petition shall be signed by the parents or guardians of fifty or more census children residents of districts any one of which contains more than three hundred census children. All the provisions relative to the formation of joint districts shall be by concurrent action of the superintendent and the board of supervisors of each county affected; *still further provided*, that by concurrent action of the boards of supervisors and the county school superintendents, contiguous school districts or parts of such school districts lying in different counties may, on proper petitions as above required, be united to form a joint school district, and the school property within the territory thus united shall become the property of the newly formed joint school district.

Fourth—The children residing in any newly formed district, in any district whose boundaries have been changed, or in any joint district, shall be permitted to attend the school in the district or districts from which the newly formed district was constituted until the first day of July next succeeding the formation or change. Rights of pupils.

Fifth—Whenever a district shall be united with a municipality or with another district, all funds belonging to said district shall be transferred, by requisition of the superintendent of the county upon the county auditor, to the municipality or district with which said district is united. Funds of united district.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CCLX.

*An act to amend an act entitled "An act to establish a Political Code," approved March 12, 1872, by adding a new section thereto to be numbered section six hundred and twenty-two a (622a), relating to taxation of insurance companies other than life.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section six hundred and twenty-two a, and to read as follows:

622a. Every insurance company or association other than life, not organized or incorporated under the laws of California, and doing business in this state, and every other insurance company, other than life, whose charter may be owned, or a majority of whose stock may be controlled, or whose business shall be carried on in the interest, or for the benefit of any insurance company or association not organized or incorporated under the laws of California, shall annually pay to the insurance commissioner, as taxes, two (2) per cent upon the Tax on foreign insurance companies

Section 622  
continued  
in force.

In effect.

amount of the gross premiums received upon its business done in this state, during the year ending on the preceding 31st day of December, less return premiums, reinsurance in companies or associations authorized to do business in this state and losses actually paid on its business in this state. This section shall not be held or construed so as to relieve any company or organization from any tax, fee or other obligation or charge imposed upon it by the provisions of section 622 of this code, but the taxes imposed by said section, and paid to the insurance commissioner by any such company or association under the provisions of said section, shall be deducted from the amount to be paid by such company or association to the insurance commissioner under the provisions of this section.

Sec. 2. This act shall take effect January 1st, 1904, and all of the provisions hereof shall be construed as applying to the business done in the year 1903, and each year thereafter.

## CHAPTER CCLXI.

*An act to amend section 1768 of the Political Code of the State of California relating to county boards of education.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1768 of the Political Code is hereby amended to read as follows:

County  
board of  
education.

1768. First—Except in any city and county, there shall be a county board of education, which shall consist of the county superintendent of schools and of four other members, appointed by the board of supervisors of the county.

Qualifica-  
tions.

Second—A majority of the members appointed by the board of supervisors shall be experienced teachers, holding not lower than grammar school certificates in full force and effect.

Board of  
supervisors  
shall  
appoint.

Third—At their last regular meeting preceding the first day of July, in the year nineteen hundred and three, the board of supervisors shall appoint two persons to serve on said board of education for the period of two years; and thereafter, each and every year, the board of supervisors at the last regular meeting preceding the first day of July, shall appoint two persons to serve on said board of education for the period of two years; *provided*, that in all counties in which there are one or more high schools at least one of the appointive members of the board of education for such county or counties shall hold a certificate of the high school grade.

When su-  
perintend-  
ent may  
appoint.

Fourth—If the board of supervisors of any county refuse or neglect to appoint members of the county board of education, as provided in subdivision three of this section, it shall be the duty of the county superintendent to appoint them. Should a

vacancy occur at any time in the county board of education, it shall be the duty of the board of supervisors to appoint a party to fill such vacancy.

Fifth—The members of the county board of education, elected or appointed, shall qualify within ten days after receiving notice of their election or appointment. Oath of office.

Sixth—The county board of education shall organize on the first meeting subsequent to the first day of July in each year, by electing one of their number president of the board. The county superintendent shall be ex officio secretary of the board. Organization.

Seventh—For the transaction of business three members shall constitute a quorum; but no teacher's certificate shall be issued, renewed, or revoked, nor shall any books or apparatus be adopted, except by an affirmative vote of at least three members of the board. On the call of any member, the ayes and nays shall be taken upon any proposition, and the vote shall be recorded in the minutes of the board. Quorum.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

## CHAPTER CCLXII.

*An act to amend the Civil Code of the State of California by amending section fourteen hundred and fifteen thereof, relating to the appropriation and the notice of appropriation of water.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1415 of the Civil Code is hereby amended so as to read as follows:

1415. A person desiring to appropriate water must post a notice, in writing, in a conspicuous place at the point of intended diversion, stating therein: Notice of appropriation of water; contents.

1. That he claims the water there flowing to the extent of (giving the number) inches, measured under a four-inch pressure;

2. The purposes for which he claims it, and the place of intended use;

3. The means by which he intends to divert it, and the size of the flume, ditch, pipe, or aqueduct in which he intends to divert it.

A copy of the notice must, within ten days after it is posted, be recorded in the office of the recorder of the county in which it is posted. After filing such copy for record, the place of intended diversion or the place of intended use or the means by which it is intended to divert the water, may be changed by the person posting said notice or his assigns, if others are not injured by such change. This provision applies to notices already filed as well as to notices hereafter filed. Notice must be recorded.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLXIII.

*An act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered seven hundred and ten, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section numbered seven hundred and ten is hereby added to the Code of Civil Procedure of the State of California, which shall read as follows:

Collection  
of moneys  
due from  
judgment  
debtor;  
procedure.

710. The duly authenticated transcript of a judgment, for money, against a defendant, rendered by any court of this state may be filed with the controller of the State of California or the auditor of any county, city and county, city, or other municipal or public corporation, from which money is owing to the judgment debtor in such action (and in case there be no auditor then with the official whose duty corresponds to that of auditor), whereupon it shall be the duty of any such official, or of such public officer with whom such transcript shall have been filed, to draw his warrant in favor of or to pay into the court from the docket of which the transcript was taken, so much of the money, if sufficient there be, over which such State of California, county, city and county, city, or other municipal or public corporation of which he is an official, or over which said public officer has control and custody and which belongs to or is owing to the judgment debtor in the cause designated in said transcript as will cancel said judgment; the money so paid into court shall be a discharge pro tanto of any amount so due or owing to such judgment debtor. For filing such a transcript any such official or public officer may charge a fee of fifty cents. Upon the receipt by any court of money under the provisions of this act so much thereof as is not exempt from execution shall be paid to the judgment creditor, the balance to the judgment debtor. Such transcript when so filed, shall be accompanied by an affidavit on behalf of the person in whose interest the same is filed, stating the exact amount at the time due on such judgment, and that such person desires to avail himself of the provisions of this section.

## CHAPTER CCLXIV.

*An act to amend section 1713 of the Political Code of California in relation to district libraries.*

[Approved March 21, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen hundred and thirteen (1713) of the Political Code of California is hereby amended to read as follows:

1713. Except in cities not divided into school districts the library fund shall consist of not less than five nor more than ten per cent of the county school fund annually apportioned to the district; *provided*, that should ten per cent exceed fifty dollars, fifty dollars only shall be apportioned to the district; except that in districts having five or more teachers, there shall be apportioned a sum not less than ten dollars nor more than fifteen dollars for each teacher employed; *and provided further*, that the school trustees of each district in the county shall, in the month of July in each year, notify the superintendent of the county as to what amount they desire to be apportioned for their respective districts for the year.

School  
district  
library  
fund.

SEC. 2. This act shall be in force and take effect from and after its passage.

## CHAPTER CCLXV.

*An act to amend an act entitled "An act to amend an act entitled 'An act to vacate certain streets, alleys, and market places in the city and county of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said city and county of San Francisco for commercial purposes, and other matters relating thereto,' approved March thirtieth, eighteen hundred and seventy-two," approved March 11th, 1874.*

\* [Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to amend an act entitled 'An act to vacate certain streets, alleys and market places in the city and county of San Francisco, and to donate the same, and other tide lands belonging to the State of California, to said city and county of San Francisco, for commercial purposes, and other matters relating thereto,' approved March thirtieth, eighteen hundred and seventy-two"

approved March 11th, 1874, as amended by section 4 of an act entitled "An act concerning the water front of the city and county of San Francisco" approved March 15th, 1878, is hereby amended so as to read as follows:

Grant of streets and alleys to city of San Francisco.

Section 1. All streets and alleys in the city and county of San Francisco which lie within the exterior boundaries of certain salt marsh and tide lands, donated by the state to the Southern Pacific Railroad Company and the Western Pacific Railroad Company for terminal purposes, by an act entitled "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and also all streets and alleys within the exterior boundaries of lands lying within the boundaries of said lands, not donated to said railroad companies, but reserved for market places, and known as produce exchange and market place, are hereby vacated, and the lands covered by said streets and alleys and said market places, are hereby granted to the city and county of San Francisco, with full power to regulate and manage the same, by ordinance or otherwise; *provided*, that said city shall have no power to donate, sell, or in any manner to alienate said lands or any part thereof, otherwise than by lease for a period not to exceed twenty years, except that, if in the judgment of the board of supervisors of said city and county, said produce exchange and market place, or either of them, shall be necessary for terminal purposes for the use of any transcontinental railroad, or railroad having transcontinental connections, and having its terminus in the city and county of San Francisco, then and in that case, the said city and county of San Francisco may sell said blocks or either of them, with the intervening streets, to the owners of such railroad, for the fair and reasonable value thereof, to be determined by a board of three arbitrators to be appointed as follows: One arbitrator by the owner of said railroad, one by the board of supervisors of the city and county of San Francisco, and the third by the two arbitrators so appointed, the decision of a majority of whom thereon shall be final; or, if the board of supervisors shall determine that the interests of said city and county will be subserved by an exchange of said blocks or either of them for other property of equivalent value owned by the owners of such railroad, such value to be determined by arbitration as aforesaid, then and in that case said city and county of San Francisco may exchange said blocks or either thereof, for such other property of equivalent value, and thereunto may execute and accept all deeds of conveyance necessary and proper to effect such exchange.

City may sell lands.

May exchange for other property.

Sec. 2. This act shall take effect immediately.

## CHAPTER CCLXVI.

*An act creating a board of bank commissioners, and prescribing their duties and powers.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Within ten days after the passage of this act the governor shall appoint, by and with the advice and consent of the senate, four competent persons, one of whom shall be an expert of accounts, to be styled bank commissioners; and the governor shall designate, at the time of such appointment, their respective terms of office in accordance with the following classification, viz.: Two of said commissioners shall serve for two years, and two for four years. Their successors shall be appointed by the governor and hold their office for the term of four years and until their successors are appointed and qualified. Should a vacancy occur either by death, removal from the state or otherwise, the governor shall appoint his successor for the unexpired portion of his term. The persons who are so appointed shall have no official connection with nor be in the employ of any savings bank, bank, banking company, or banking society, nor shall they, during their terms of office, own or be interested in the stock or other property thereof. Said commissioners shall have their office in the city of San Francisco.

Bank commissioners

Term of office.

Vacancy.

SEC. 2. The bank commissioners, before entering upon the duties of their office, must execute an official bond in the sum of twenty thousand dollars, and take the oath of office, all as prescribed by the Political Code for state officers in general.

Official bond.

SEC. 3. The duties of the bank commissioners shall be to prepare and furnish to every savings bank, bank, and banking company, or any other corporation incorporated under the laws of this state, or of any other state or territory, or foreign country, doing a banking business in this state, applying therefor, a license, in the form to be prescribed by them, authorizing such corporation to use the name and to transact the business of a savings bank, bank, or banking company, until the first day of July next thereafter; to receive and place on file in their office the reports required to be made by savings banks, banks, or banking corporations, by this act; to prepare and furnish, on demand, to all persons, firms, partnerships, corporations, or officers required to make and return statements or reports to said bank commissioners by the provisions of this act, blank forms for such statements or reports as may by law be required of them; to make, on or before the first day of October in each year, a report to the governor of this state, containing a tabular statement and synopsis of the several reports which have been filed in their

General duties.



office since their last report, and any other proceedings had or done by them under this act, showing generally the condition of the respective savings, commercial and other banking corporations or institutions of this state, and such other matters as in their opinion may be of interest to the public, with a detailed statement, verified by their oaths, of all moneys and fees of office received by them during the same period.

Visit and  
examine  
banks.

SEC. 4. It shall be the duty of one or more of the bank commissioners, as designated by the commissioners, once in each year, and as often as in their judgment may be deemed necessary, without previous notice, to visit and make, personally, a full examination of each and every corporation mentioned in section three of this act; to inspect all books, papers, notes, bonds, or evidences of debt of such corporation, and all securities; to ascertain the condition of every such corporation, its solvency, its ability to fulfill its obligations, and, if in their opinion it is deemed necessary, report its condition to the attorney-general as soon as practicable after such examination.

Power to  
examine  
officers.

SEC. 5. Such commissioners must examine, under oath, any of the officers, agents, and servants of any such corporation, in relation to the affairs and condition of such corporation, and may administer such oath personally; and whoever shall neglect or refuse, after demand and notice thereof, and without justifiable cause, to appear, or testify under oath, before the said commissioners in the discharge of their duties, shall be deemed guilty of misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Insolvent  
banks.

SEC. 6. If any bank commissioner shall have knowledge of the insolvency or unsafe condition of any corporation mentioned in this act, and shall neglect to report the same, in writing, to the attorney-general, as required by this act, he shall on conviction thereof be punished by a fine not exceeding ten thousand dollars nor less than five thousand dollars, or by imprisonment in the county jail not less than one year nor more than two years, or by both such fine and imprisonment, and his office shall be declared vacant by the governor, and a successor be appointed for the unexpired term.

License  
must be  
procured.

SEC. 7. No corporation shall use the name or transact the business of a savings bank, or bank, or banking corporation, without the license provided for by section three of this act; and any corporation violating this provision shall forfeit the sum of one hundred dollars per day during the continuance of the offense; and any person who enters upon, engages in, or carries on, or in any manner attends to the business or management of a savings bank, or bank, or banking corporation, doing business without such license, whether as manager, principal, agent, officer, employé, or otherwise, shall forfeit the sum of one hundred dollars for every day he so enters upon, engages in, or carries on, or attends to such business; and any violation of this section is also hereby declared to be a misdemeanor.

SEC. 8. Any corporation mentioned in section three of this act, including banks in liquidation or insolvency, shall, whenever required by the board of bank commissioners, make a report in writing to the commissioners, verified by the oath of its president and its secretary, or cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the commissioners specified, by stating:

Report of banks.

First—The amount of its capital stock, and the number of shares into which it is divided;

What report shall show.

Second—The names of the directors, and the number of shares of stock held by each;

Third—The total amount actually paid, in money, by stockholders for capital stock, and the total amount of reserve fund, if any;

Fourth—The total amount due to depositors;

Fifth—The total amount and character of any other liabilities it may have;

Sixth—The amount at which the lot and building, occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself;

Seventh—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust, or as security, in case it is held in any name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank;

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof;

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof;

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each;

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place;

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amounts so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the commis-

Reports to be verified.

sioners be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the commissioners within fifteen days after the receipt from them of a request or requisition therefor.

Penalty for failure to report.

SEC. 9. Any corporation mentioned in section three of this act failing to furnish to the bank commissioners any report by them required under the provisions of this act within the time herein specified, shall forfeit the sum of one hundred dollars per day during the time of such default.

Proceedings against unsafe corporations.

SEC. 10. If the bank commissioners, on examination of the affairs of any corporation mentioned in section three of this act, shall find that any such corporation has been guilty of violating its charter, the laws of this state, or any of the provisions of this act, or is conducting business in an unsafe manner, they shall, by an order addressed to the corporation so offending, direct discontinuance of such illegal and unsafe practices, and a conformity with the requirements of the law and its charter, and of the provisions of this act. And if such corporation shall refuse or neglect to conform with such requirements before the expiration of the time in the order specified, or if it shall appear to said commissioners and they shall unanimously decide that it is unsafe for any such corporation to continue to transact business, it shall be the duty of the commissioners immediately to take such control of such corporation, and all the property and effects thereof, as may be necessary to prevent waste or diversion of assets, and to hold possession of the same until the order of court hereinafter mentioned, and to immediately notify the governor and the attorney-general of their action; and it is hereby made the duty of the attorney-general, upon receiving such notification, to immediately commence suit in the proper court against such corporation, and all the directors or trustees thereof, to enjoin and prohibit them from the transaction of any further business. If upon the hearing of the case the court shall find that such corporation is solvent and may safely continue business, it shall dismiss the action, and order that the corporation be restored to the possession of the property, but if the court shall find that it is unsafe for such corporation to continue business, or that such corporation is insolvent, said court shall by its decree order such corporation into involuntary liquidation, and shall issue the injunction applied for, and shall cause the same to be served according to law, and shall order the commissioners to surrender the property of the corporation in their possession to a receiver appointed by the court for the purpose of liquidation in such proceeding, under the orders and direction of the court. The issuance of the injunction hereinbefore provided for shall, by operation of law, dissolve any and all attachments levied upon any property of such corporation within one month next preceding the date of the notification by the commissioners to the governor and the attorney-general as provided for in this section; and no attachment or execution shall, after the issuance of such injunction and during the process of liquidation, be levied upon any property of such corporation, nor shall

Appointment of receiver.

any lien be created thereon. If a receiver be appointed, before surrendering to him the property of the corporation for purposes of liquidation, the person named as receiver shall execute to the people of the State of California, an undertaking, with sufficient sureties, in an amount to be fixed by the court, that he will well and truly perform all the duties devolving on him by reason of such receivership, and that he will faithfully discharge the duty of receiver in the proceeding, and obey the orders of the court therein. Every receiver appointed under the provisions of this section shall make report of the conditions of the affairs under his charge to the bank commissioners in the same manner as the solvent banks mentioned in this article are, by law, required to do, and, in addition thereto, shall state the amount of dividends paid, debts collected, and the money realized on property sold, if any, since the previous report. The bank commissioners shall have the power, and it is hereby made their duty, to examine the conditions of the affairs of every such corporation in liquidation, in the same manner as in case of solvent banks, businesses, and institutions, and they shall have a general supervision of the affairs of such corporation in liquidation. They shall have the power to limit the number of employes necessary to close up the business of any such corporation in liquidation, and also to limit the salaries of the same, and shall do all in their power to make such liquidation as economical and as expeditious as the interests of the creditors, depositors, and stockholders will admit. If any officer or employe of any association or corporation solvent, insolvent, or in liquidation, or if any other person, shall refuse to comply with the provisions of this section, or disregard or refuse to obey the directions of said bank commissioners, given in accordance with the provisions of this act, such person, officer, or employe shall be punished by a fine not exceeding five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. When the receiver herein provided for shall have been appointed and qualified, the duties of the attorney-general shall end.

Bond of receiver.

Duty.

Commissioners have general supervision.

The bank commissioners shall, by a resolution entered upon its minutes, concurred in by at least three members, have power to employ legal counsel for any of the purposes mentioned in this section or to enforce any of the penalties prescribed by this act, without the consent of the attorney-general, the expense thereof to be a charge against the individual bank concerning which said services are required, and if more than one bank, then pro rata among such banks.

Legal counsel.

Sec. 11. The bank commissioners shall each receive a salary of three thousand six hundred dollars per annum, and necessary traveling expenses, not to exceed, for the four commissioners, the sum of four thousand dollars per annum, to be audited by the state controller and paid by the state treasurer, in the same manner as the salaries and expenses of other state officers. No person while holding any other office, or engaged in business of any kind requiring his personal attention

Salary of commissioners.

between the hours of nine A. M. and four P. M., shall serve as bank commissioner.

Annual report.

SEC. 12. The bank commissioners shall furnish each member of the legislature with a copy of their annual report, at each session of the legislature, during the first week of the session.

Appointment of secretary.

SEC. 13. The bank commissioners shall have the power to appoint a secretary, at a salary of two hundred dollars per month. The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed seventy-five dollars per month. They may also provide stationery, fuel, and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of twelve hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners.

Reports kept on file.

SEC. 14. All reports required to be made to the bank commissioners by the provisions of this act shall be filed, and kept on file, by the bank commissioners, in their office, and shall be open to the inspection of the public during their office hours.

License tax against banks.

SEC. 15. To pay the salaries and all other necessary expenses of the commissioners, as provided for by this act, every corporation receiving a license shall pay annually, in advance, to the commissioners, in gold coin, its share of the amount required to pay such salaries and expenses; the share to be paid by any corporation to be determined by the proportion which its deposits bear to the aggregate deposits of all such corporations receiving licenses, as shown by the latest reports of such corporations to the commissioners. Said commissioners shall, on demand made therefor, and without charge, furnish to every corporation, society, association, company, institution, firm, person, or persons, mentioned in this act, copies of papers, statements, and reports filed in their office, and may, as provided by this act, recover any and all moneys payable to them by any corporation, association, society, company, institution, firm, person, or persons, herein mentioned; and all moneys collected or received by such bank commissioners, or either of them, under or by virtue of the provisions herein, shall be by them delivered to the treasurer of this state, who shall pay the same into a fund which is hereby created, and which shall be known as the "bank commissioners' fund." And the unexpended balances of all moneys heretofore paid into the state treasury by said bank commissioners shall be transferred to said fund and become a part thereof.

Copies of papers.

"Bank commissioners' fund."

Books of record.

SEC. 16. The bank commissioners shall keep proper books of record of all acts, matters, and things done by them under the provisions of this act, which shall be open to the inspection of the public during their office hours.

Subpoenas.

SEC. 17. The bank commissioners or either of them may issue subpoenas for witnesses to attend and testify before them or either of them on any examination by this act authorized,

which must be served, obeyed, and enforced as provided in the Code of Civil Procedure for civil cases; the commissioners to issue attachments, and impose the penalty for disobedience, and the witnesses may be punished as provided in the Penal Code.

SEC. 18. The bank commissioners may sue for and recover, in the name of the people, in any court of competent jurisdiction, all sums of money which become due, payable, or forfeited by any of the provisions of this act. Suits to recover money.

SEC. 19. The commissioners shall, upon the expiration of their term of office, deliver to their successors, or if there be none, then to the controller of state, all property, books, reports, and papers of every description pertaining to their office. Commissioners to deliver property.

SEC. 20. Every person engaged for himself, or any person being the cashier, manager, or agent, of two or more persons, not incorporated, engaged in the business of banking, or publicly receiving money on deposit, must, three times in each year, or oftener, as may be required by the board of bank commissioners, make a report in writing to the commissioners, verified under oath, which report shall show the actual financial condition of the said business on any past day by the commissioners specified, and shall also state the facts required to be stated by incorporated banks or banking corporations in section eight of this act, so far as the same appertain to said business. Such reports shall be transmitted to the commissioners within fifteen days after the receipt from the commissioners of a request or requisition therefor. Every person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not less than ninety days nor more than six months, or by fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment. Private banks to report.  
  
Penalty for violation.

SEC. 21. The use of the word "bank," or any other word or terms denoting or implying the conduct of the business of banking, or the use of the word "savings," alone or in connection with other words denoting or implying the conduct of the business of a savings institution, or a savings and loan society, is hereby prohibited to all persons, firms, associations, companies, or corporations other than those subject to the supervision of the bank commissioners or required by this act to report to them, and no license as in this act provided shall be issued by the commissioners to any corporation that does not receive money from the public as deposits in manner customary with commercial or savings banks. Any person, firm, association, company, or corporation not subject to the supervision of the bank commissioners or not required by this act to report to them, making use of terms implying conduct of a bank, savings bank, or savings and loan society by means of signs, advertisements, letter heads, bill heads, blank notes, blank receipts, certificates, circulars, or any written or printed or partly written and partly printed paper whatever, having Institutions not subject to supervision not to use the word "bank."

thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank, or savings and loan society, shall forfeit for each day the offense is continued the sum of one hundred dollars, to be recovered as provided in this act.

Penalty.

Legal successors of previous commission.

SEC. 22. The commission hereby established shall be the legal successor of the bank commissioners created by the act creating a board of bank commissioners, approved March 30, 1878, and the acts amendatory thereto, and shall be entitled to have and receive all the books, records and other property acquired by and belonging to the said bank commissioners and shall be substituted for and continue in the stead and place of said bank commissioners all suits, actions and proceedings at law now pending wherein said bank commissioners are a party.

SEC. 23. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 24. This act shall take effect immediately.

## CHAPTER CCLXVII.

*An act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep.*

[Approved March 24, 1903.]

*The people of the state of California, represented in senate and assembly, do enact as follows:*

Sheep inspector.

SECTION 1. The office of sheep inspector for the State of California is hereby created and the state veterinarian of the State of California is hereby made ex officio sheep inspector and shall perform the duties imposed by this act without additional salary or compensation from the State of California.

Appointment of deputies.

SEC. 2. The board of supervisors may, in their discretion, upon the written demand of a majority of sheep growers of their respective counties, appoint one or more deputy sheep inspectors. Such deputies shall be practical sheep men and subject to removal whenever the board may deem it necessary.

General duties of inspector.

SEC. 3. It shall be the duty of the state sheep inspector to have general supervision over his deputies appointed under the provisions of this act and to aid, counsel, and advise with such deputies and generally to enforce the provisions of this act.

Duties and powers of deputies.

SEC. 4. The deputies appointed under the provisions of this act shall have power to administer oaths, and it shall be the duty of at least one deputy inspector in each county where the same may be appointed, as herein provided by the

state sheep inspector, to personally examine all sheep and bands of sheep in his county every spring between the first day of February and the first day of June and every fall between the first day of October and the first day of December for the first two years after the passage of this act, and thereafter between the first day of February and the first day of June of each year; and to the owners or persons in charge of herds found to be clean he shall issue a certificate stating such fact, which certificate shall permit such herds to pass into and through any and all counties in this state so long as they shall remain free and clean from disease. And such deputy also is required to examine any band or bands of sheep at any time he may be called upon to do so at the request of one or more sheep growers in writing, stating that such sheep are affected or infected with some infectious or contagious disease, and that there is imminent and immediate danger of the spreading of such disease; *provided*, that if, upon examination, such sheep are found to be clean the person or persons making such complaint shall pay the expenses and costs of such examination, which may be recovered in a civil action therefor; but in case such inspector, upon making such examination, finds said sheep diseased, he shall forthwith issue his order quarantining said sheep; *and further provided*, that all bands of sheep of less than two hundred and fifty head shall not be subject to such inspections when known to be sound; but where complaint is made, then the deputy inspector must comply with and enforce the provisions of this act as in other cases hereinafter provided for.

SEC. 5. Any person, company, association, or corporation desiring to move his or their sheep which are not sound or are infected or affected by scab or any infectious or contagious disease shall obtain from a deputy inspector a traveling permit. Such permit shall only be granted for the purpose of moving said sheep to some place where they may be dipped for said disease, or on account of shortage of feed, and then by such route as the deputy sheep inspector may designate.

Traveling  
permits.

SEC. 6. Whenever upon examination of any bands or herds of sheep, kept or herded in any county of the State of California the deputy sheep inspector of such county shall find such sheep, or any portion of them affected or infected with the scab or scabies, or any other infectious or contagious disease, he shall forthwith notify the owner or person in charge of said sheep, in writing, to dip said sheep for said disease within a period of fifteen days from said notice; and also during said period to keep such sheep from contact with other sheep by such means as he may specify; and if, upon examination at the end of fifteen days from such notice, said deputy sheep inspector shall find that said sheep have not been dipped for said disease, or have not been kept from contact with other sheep that are sound, the owner or owners, or person or persons controlling said sheep, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or more than two

Scab-  
infected  
sheep;  
duty of  
owner.



hundred and fifty dollars; and in case said sheep have not been dipped for said disease within said fifteen days, such deputy sheep inspector shall immediately take possession of said sheep and dip them for said disease, and all expenses incurred in so doing, including a compensation of four dollars for every day, or part of a day, in which said deputy sheep inspector may be engaged in dipping said sheep, shall become and is hereby made a lien upon said sheep; and such deputy sheep inspector shall hold such sheep for the period of ten days, and if the same is not paid within such time he may collect the same, together with the costs and expenses of collection, by advertising and selling said sheep, or as many thereof as may be necessary, in the manner prescribed by law for the sale of personal property on execution. If, however, upon examination at the end of fifteen days from the notice required to be given under this section such deputy sheep inspector shall find that said sheep have been dipped for said disease, but are still infected with the same, then he shall instruct the owner or controller of said sheep to dip one or more times, as circumstances demand, and as soon as possible, but with an interval between the dippings of not less than nine or more than twelve days; and if upon examination at the end of thirty days further, such deputy sheep inspector finds that said sheep have been dipped for said disease, but are still infected, then he shall at once take possession of said sheep and dip them as above specified. If, however, upon examination he finds that said sheep have not been dipped he shall seize said sheep and dip them as above specified, and the owner or owners, or controller, by reason of his failure to dip such sheep as required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars; *provided, however,* that no person, persons, company, or corporation shall be required to dip his or their bands of sheep between the first day of December and such time as he or they can shear such sheep in the following spring.

Ewes with  
lambs.

Quaran-  
tine.

Hand-  
dressing.

SEC. 7. No person, persons, company, or corporation shall be required to dip a band or bands of ewes or any part of them which are ewes with lambs, at any time between the fifteenth of December and the fifteenth of May following of any year; but they must be held in quarantine and kept separate from sound sheep, and the owner, owners, or controller shall be responsible for all damages as stated in sections seven and eight of this act, to be enforced and recovered as therein provided for. It shall also be the duty of such deputy sheep inspector to require the owner, owners, or controller of sheep, while held in quarantine during the above exemption, to spot or hand dress all sheep in their band or bands that show any scab or other contagious disease, with some reliable medicine; and such deputy sheep inspector shall have power to enforce hand dressing or spotting during the exemption referred to in this section, the same as he has power to enforce dipping at any other period of the year, as provided by this act.

SEC. 8. The deputy sheep inspector appointed in the several counties as provided in this act shall receive four dollars per day for every day or part of a day spent in the performance of his duty, to be paid by the owner or owners of the sheep examined, and to be enforced as a lien against the sheep so examined, as provided in section six of this act.

Per diem of deputies.

SEC. 9. In any action or proceeding, civil or criminal, arising under this act, any and all persons having an interest in the sheep or controlling the same, and concerning which such action or proceeding is had, shall be deemed the owners of said sheep, and shall be liable severally and jointly for such violation of this act. Any herder or shepherd, or other person in charge of sheep, who shall willfully refuse to give a deputy sheep inspector after showing a star any and all information as to the condition of sheep in his charge, requested by such deputy, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. In criminal actions against corporations under this act no arrest shall be necessary, but a summons containing notice of the time and place of trial, together with a copy of the complaint filed before a justice of the peace, or in the court in which the action is commenced, shall be served in the same manner and for the same length of time as in civil actions.

Actions under this act.

SEC. 10. It shall be the duty of each deputy sheep inspector appointed under this act to keep a book in which he shall record as complete a description as practicable of the marks and brands with which each person in his county marks or brands his sheep, and the owners of sheep shall report in writing to such deputy sheep inspector their marks and brands, for the purpose of aiding such deputy sheep inspector to make up and keep such records; said deputy sheep inspectors are also required to keep a book in which they shall record the names of all persons prosecuted for violations of this act, together with a description of the particular offense charged against him, the name of the court in which said prosecution was had, and the result of such prosecution, giving the amount of fines where fines are imposed. And on the first day of January of each year, each deputy sheep inspector appointed under the provisions of this act shall make a report to the state sheep inspector, which report shall contain a true and correct copy of his record as contained in the books required by him to be kept under the provisions of this act, which report shall be placed on file in the office of the state sheep inspector.

Marks and brands to be reported to deputy.

Report to inspector.

SEC. 11. It shall be unlawful for any person, persons, company, corporation or association, owning, controlling, or managing any ferryboat, toll bridge, car, steamboat, wagon, vehicle, or other things used for transportation, to allow any sheep to be carried thereon unless the party in charge of said sheep shall first produce a certificate from a deputy sheep inspector appointed under this act, that said sheep are free from scab, scabies, and other infectious or contagious disease. Any violation of this section shall be deemed a misdemeanor and

Transportation companies; duties and liabilities.

punishable by a fine of not less than one hundred dollars or more than two hundred and fifty dollars.

Stray  
sheep

SEC. 12. If any person or persons, company, or corporation, in driving or herding any sheep, should get into their herd any stray sheep, they shall immediately notify the owner thereof; and if the owner is unknown, he or they shall forthwith notify the deputy sheep inspector of such county, giving the number of such sheep and the brands of each; and any person, persons, company, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Criminal  
proceed-  
ings.

SEC. 13. All deputy sheep inspectors are hereby given the power, and it is hereby made their duty to arrest and bring before a justice of the peace, or other court having jurisdiction of the same, any and all persons found violating the provisions of this act, where a complaint shall be filed by such deputy sheep inspector, either upon his own knowledge or upon sworn complaint of such violation, whereupon a hearing shall be had as in other like criminal cases; and such deputy sheep inspectors are hereby vested with the same authority to arrest and to require aid in the execution of their said office as sheriffs and their deputies of the several counties of this state; *provided*, that the provisions of this act requiring the deputy sheep inspectors of the county to prosecute for a violation of the provisions of this act requiring the deputy sheep inspectors of the county to prosecute for a violation of the provisions of this act shall not be construed so as to prevent such prosecutions from being commenced and prosecuted by other persons as criminal action are commenced and prosecuted in other cases.

SEC. 15. This act shall take effect and be in force from and after its passage.

## CHAPTER CCLXVIII.

*An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Power to  
open, etc.,  
streets.

SECTION 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, or straightening, in whole or in part, of any public street, square, lane, alley, court, or place within

such municipality, and to acquire, by condemnation, any and all property necessary or convenient for that purpose.

SEC. 2. Before ordering any improvement to be made, which is authorized by section one of this act, the city council shall pass an ordinance declaring its intention to do so, describing the improvement, and the land necessary or convenient to be taken therefor, and specifying the boundaries of the district to be benefited by said improvement, and to be assessed to pay the expense thereof, and to be known as the assessment district.

Declara-  
tion of  
intention.

SEC. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets within the assessment district described in said ordinance, at not more than three hundred feet in distance apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of public work," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, and briefly describe the improvement proposed, and refer to said ordinance for further particulars. He shall also cause a notice similar in substance to be published for a period of five days, in a daily newspaper published and circulated in said municipality, and designated by said city council for that purpose, or if there is no such daily newspaper, then by four successive insertions in a weekly newspaper so published, circulated, and designated.

Notice to  
be posted  
and pub-  
lished.

SEC. 4. Any person interested, objecting to said improvement, or to the extent of the assessment district described in said ordinance of intention, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section three of this act. The clerk shall indorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council after the expiration of the time for filing protests, shall present to said city council all protests so filed with him. If such protests are against the said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said ordinance of intention shall be barred, and no new ordinance of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the meantime petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are only against the extent of the assessment district, the council shall hear said protests at said meeting, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive. If such protests are sustained, no further proceedings shall be had under said

Protests.

ordinance of intention, but a new ordinance of intention for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the ordinance of intention.

Order for improvement.

SEC. 5. Having acquired jurisdiction, the city council shall, by ordinance, order said improvement to be made, and direct an action to be brought by the city attorney, in the proper superior court, in the name of the municipality, for the condemnation of the property necessary or convenient to be taken therefor. Such ordinance need not describe the property to be taken, nor the assessment district, but may refer to the ordinance of intention for all particulars.

Action for condemnation.

SEC. 6. Said action must be brought within sixty days after the passage of the ordinance ordering the improvement, but the council may, by ordinance, extend the time for the bringing of such action. Said action shall, in all respects, be subject to and governed by such rules of the Code of Civil Procedure now existing, or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this act.

Complaint; what shall set forth.

SEC. 7. The complaint shall set forth, or state the effect of, the ordinance of intention, and the ordinance ordering the improvement, but need not set up any other proceedings had before the bringing of the action. Said ordinances shall be conclusive evidence, in such action, of the public necessity of the proposed improvement, and also that the same is located in the manner which will be most compatible with the greatest public good and the least private injury.

Referees.

SEC. 8. If a jury is waived by the defendants, or any of them, the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants waiving a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is, or becomes, unable to act, the vacancy so created shall be filled by the court.

Duty of referees.

SEC. 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a jury. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court requiring the attendance of witnesses, or the production of evidence before them. They shall, as soon as practicable, make and file with the court a written report of their findings, and also of the number of days spent by them in the matter

of such reference, and of their necessary expenses. Any two of such referees who agree thereto, may make such report.

SEC. 10. The referees or jury, as the case may be, shall find Findings.  
separately:

First—The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second—If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

SEC. 11. Upon the filing of such report, the court must, on Hearing of report.  
motion of any party, appoint a day for hearing the same. Notice of the time and place of said hearing must be served on all the parties who have answered at least five days before the time appointed. At said hearing, any party to the action may appear and file his exceptions, in writing, to said report, and contest the same. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and confirm it as modified, or may set it aside and order a new report, from the same referees, or from new referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference.

SEC. 12. Upon confirmation of the report of the referees, Interlocutory judgment.  
and receipt of the verdict of the jury, the court shall make and enter an interlocutory judgment in accordance with such report and verdict, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them, as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, not exceeding five dollars, each, for each day necessarily spent in the matter of the reference, and their necessary expenses.

SEC. 13. An appeal may be taken from such interlocutory Appeal.  
judgment within thirty days from the entry thereof, and from any order granting or denying a new trial within ten days after the entry thereof.

SEC. 14. The city council may, at any time prior to the Council may abandon proceedings.  
payment of the compensation awarded the defendants, abandon the proceedings, by ordinance, and cause the said action to be dismissed, without prejudice; and if any of the assessments levied to pay the expense of the improvement, as hereinafter provided, shall have been actually paid in money at the time of such abandonment, the same shall be refunded to the persons by whom they were paid.

Diagram of improvement.

SEC. 15. Upon the entry of the interlocutory judgment, the city council shall order the city engineer, or if there be no city engineer, any civil engineer whom it may employ for that purpose, to make and deliver to the street superintendent, a diagram of the improvement and of the property within the assessment district described in the ordinance of intention. Said diagram shall show the land to be taken for the proposed improvement, and also each separate lot, piece, or parcel of land within the assessment district, and the dimensions of each such lot, piece, or parcel of land, and the relative location of the same to the proposed improvement.

Assessment of expense.

SEC. 16. The street superintendent, upon receiving the said diagram, shall proceed to assess the total expense of the proposed improvement upon and against the lands, including the property of any railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be received from said improvement. The total expense of the improvement so to be assessed shall include the amounts awarded to the defendants by the interlocutory judgment in the action for condemnation, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Assessment shall describe each piece.

SEC. 17. The street superintendent shall make the said assessment in writing. Such assessment shall describe each lot, piece, or parcel of land assessed for said improvement, and shall designate each such lot, piece, or parcel of land with an appropriate number. The street superintendent shall also designate each such lot, piece, or parcel of land on said diagram, with a number corresponding with the number thereof in said assessment, and said diagram shall thereupon be attached to and become and be deemed to be a part of said assessment. Such assessment shall show the total sum to be raised thereby, as hereinbefore provided, and also the items of such total sum, and opposite each lot, piece, or parcel of land assessed, the amount assessed thereon, and the name of the owner thereof, if known to the street superintendent; or if the owner's name is unknown, the word "unknown" shall be written instead of such name. Any error or mistake in the designation of the owner of any lot, piece, or parcel of land, or in the particulars of his interest therein, shall not affect the validity of the assessment.

Notice of filing of assessment

SEC. 18. As soon as said assessment is completed the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the clerk of the council, who shall give notice of such filing by publication for, at least, ten days in a daily newspaper published and circulated in the city, or if there be no such daily newspaper, by three successive insertions in a weekly newspaper so published and circulated. Said notice shall require all persons

interested to file with said clerk their objections, if any they have, to the confirmation of said assessment, within thirty days after the date of the first publication of such notice, which date shall be stated in said notice.

SEC. 19. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice required by section eighteen hereof. The clerk shall, at the next regular meeting of the city council after the expiration of the time for filing objections, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned, and pass upon such assessment, and may confirm, modify, or correct said assessment, or may order a new assessment, upon which like proceedings shall be had, as in the case of an original assessment; or if there be no objections, the council shall, at any regular meeting after the expiration of the time for filing objections, confirm such assessment, and the action of the council upon such objections and assessment shall be final and conclusive in the premises. Objections.

SEC. 20. The clerk of the council shall thereupon deliver to the street superintendent the assessment as confirmed by the city council, with his certificate of such confirmation, and of the date thereof. The street superintendent shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made. Record of assessment

SEC. 21. The owner of any property assessed, who is entitled to compensation under the award made by the interlocutory judgment, may, at any time after such assessment becomes payable, and before the sale of said property for non-payment thereof, as hereinafter provided, demand of the street superintendent that such assessment, or any number of such assessments, be offset against the amount to which he is entitled under said judgment. Thereupon, if said amount is equal to or greater than such assessments, including any penalties and costs due thereon, the assessments shall be marked "paid by offset"; and if the said amount is less than the assessments, and any penalties and costs due thereon, the person demanding such offset shall at the same time pay the difference to the street superintendent in money, and the assessments shall, on such payment, be marked paid, the entry showing what part thereof is paid by offset and what part in money. In either case, as a condition of the offset, such person must execute to the city and deliver to the street superintendent duplicate receipts for such part of the amount Payment by offset.



due him under said interlocutory judgment as is offset against such assessments, penalties, and costs. One of said duplicate receipts shall be filed by the street superintendent in his office, the other shall be filed with the clerk of the superior court, and on such filing, the city shall be entitled to a satisfaction pro tanto of said interlocutory judgment.

Notice to  
pay.

SEC. 22. The street superintendent shall, upon the recording of said assessment, give notice, by publication for ten days in a daily newspaper, published and circulated in such municipality, or by three successive insertions in a weekly newspaper, so published and circulated, that said assessment has been recorded in his office, and that all sums assessed therein are due and payable immediately, and that the payment of the said sums is to be made to him within thirty days after the date of the first publication, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. When payment of any assessment is made, the street superintendent shall mark opposite such assessment, the word, "paid," the date of payment, and the name of the person by or for whom the same is paid, and shall, if so requested, give receipt therefor. On the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the street superintendent shall certify such fact at the foot of said assessment roll, and mark each such assessment "delinquent," and add five per cent to the amount of each assessment delinquent.

Delin-  
quent as-  
sessments.

SEC. 23. The street superintendent shall, within ten days from the date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment roll, and the amount of the assessment, penalty, and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land, separately assessed. The street superintendent shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in some daily newspaper published and circulated in the municipality, or for three weeks in a weekly newspaper so published and circulated. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the office of the street superintendent.

Payment  
may be  
made prior  
to sale.

SEC. 24. At any time after such delinquency, and prior to the sale of any piece of property assessed and delinquent, any person may pay the assessment on such piece of property,

together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments. The street superintendent shall thereupon mark such assessment "paid," as hereinbefore provided.

SEC. 25. On the day fixed for the sale, the street superintendent must, at the hour of ten o'clock A. M. commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; *provided*, that he may postpone or continue the sale from day to day until all the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and then and there pay the amount of the assessment, penalty, and costs due, including fifty cents to the street superintendent for a certificate of sale, shall become the purchaser. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the municipality, as purchaser, and the city council shall appropriate out of the general fund of the treasury, the amount required for such purchase, and shall order the city treasurer to place the same in the special fund for such improvement. No charge shall be made for the certificate of sale when the municipality is the purchaser.

Delin-  
quent sale.

SEC. 26. After making the sale, the street superintendent must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment roll, that said property was sold for a delinquent assessment, (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The street superintendent must file one copy of such certificate in his office, and deliver the other to the purchaser, or if the municipality is the purchaser, to the clerk of the council, who shall file the same in his office. On the filing of the copy of such certificate in the office of the street superintendent, the lien of the assessment shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The street superintendent shall also enter on the assessment roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Certificate  
of sale.

SEC. 27. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto, ten per cent thereon if paid within three months from the date of sale; twenty per cent if paid within six months; thirty per cent if paid within nine months; forty per cent if paid within twelve months, or fifty per cent if paid at any time after twelve

Redemp-  
tions.

months. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the council of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Deeds:  
when  
executed.

SEC. 28. At any time after the expiration of twelve months from the date of sale, the street superintendent must execute to the purchaser, or his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof, and the fact that no person has redeemed the property. The street superintendent shall receive from the applicant for a deed, one dollar for making such deed, unless the municipality is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee must, at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice, setting forth a description of the property, that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the street superintendent for a deed. If the said owner cannot be found, after due diligence, said notice must be posted in a conspicuous place upon said property, at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the street superintendent an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the street superintendent in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this section, and filed the proper affidavits with the street superintendent.

Cost.

Service of  
notice  
upon  
owner and  
occupant.

Redemp-  
tion after  
issuance of  
deed.

Deed is  
prima  
facie regu-  
lar.

SEC. 29. The deed of the street superintendent shall be prima facie evidence of the truth of all matters recited therein,

and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

SEC. 30. The street superintendent shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any assessments made under the provisions of this act. The city treasurer shall, on receipt thereof, place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made.

Payment  
to city  
treasurer.

SEC. 31. As soon as there is sufficient money in the hands of the city treasurer, in the special fund devoted to the proposed improvement, to pay the amounts awarded to the defendants by the interlocutory judgment in the action of condemnation, or such parts thereof as have not been paid by offset against assessments, as hereinbefore provided, the said amounts shall be paid to the parties entitled thereto, or into court for their benefit. On satisfactory proof being made to the court of payment of the amounts awarded by the interlocutory judgment to the respective parties entitled thereto, or into court for their benefit, it shall direct the interlocutory judgment to be satisfied, and shall make and enter a final judgment, condemning the lands described in the complaint to the use of the plaintiff for the purposes specified in such complaint.

Payment  
of awards

Final judgment.

SEC. 32. In case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, or by ordering a supplementary assessment to be made by the street superintendent upon the property in said assessment district in the same manner and form, and subject to the same procedure as the original assessment, and in the last named case, in order to avoid delay, the city council may advance such deficiency out of the city treasury and reimburse the treasury from the collections under such supplementary assessment. In case of a surplus in the fund for such improvement, the city council may order such surplus refunded pro rata to the parties who paid the assessments.

In case of  
deficiency.

Surplus.

SEC. 33. The following words and phrases shall, where used in this act, have the following meanings:

Meanings  
of words  
and  
phrases.

(1) The term "improvement," includes all the improvements mentioned in section one of this act.

(2) The terms, "municipality" and "city," include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

(3) The terms, "city council" and "council," include any body or board in which by law is vested the legislative power of any municipality.

(4) The terms, "clerk" and "city clerk," include any person or officer who acts as clerk of said city council.

(5) The terms, "treasurer" and "city treasurer," include any person or officer who has charge and makes payment of the city funds.

(6) The term, "street superintendent" includes any person or officer whose duty it is by law to have the care or charge of

streets or the improvement thereof, in any city. In any city where there is no street superintendent, the city council is hereby authorized to appoint a suitable person to discharge the duties of street superintendent, as provided in this act, and all the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

When no paper in city, notices may be posted.

SEC. 34. In case there is no daily or weekly newspaper published and circulated in the city, then such notices and delinquent lists as are herein required to be published in a newspaper shall be posted in three of the most public places in such city, for the length of time required herein for the publication of the same in a weekly newspaper. No publication or notice other than that provided in this act shall be necessary to give validity to any proceedings had thereunder.

Proof of publication and posting.

SEC. 35. Proof of publication of any notice required by this act shall be made by affidavit, as provided in the Code of Civil Procedure, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; *provided* that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

Act of 1889 not affected.

SEC. 36. This act shall in nowise affect an act entitled, "An act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, or amendments thereto, or any other acts on the same subject, or apply to proceedings had thereunder, but it is intended to and does provide an alternate system of proceedings for making the improvements provided for by this act; and it shall be within the discretion of the city council of any municipality to proceed in making such improvements, either under the provisions of this act, or under the provisions of such other acts; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its ordinance of intention to order the work done.

Alternative system of proceedings.

Act shall be liberally construed.

SEC. 37. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Street Opening Act of 1903," and shall take effect and be in force upon its passage and approval.

## CHAPTER CCLXIX.

*An act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. All persons now engaged in or who may hereafter engage in a general warehouse, wharfinger or storage business for the storage of grain or other commodities, which in the course of such business are weighed, shall before they engage in such business or within sixty days after the appointment of an inspector of weights as provided in section four of this act, designate in writing a person or persons as weigher or weighers for such business at the place thereof, and the person or persons so designated shall thereupon, and before they shall do any weighing for such business subscribe, before an officer authorized to administer oaths, the following oath, to wit:

Oath of weighers required

"(I or we) designated as (weigher or weighers) will correctly weigh all grain or other commodities brought to (here designating the business and place of business) for storage or weighing, or which may be taken out from the same, and in all cases render to the person bringing or receiving the same, as the case may be, upon demand, a full, true and correct account of the weight thereof."

SEC. 2. All persons engaged in the business in the foregoing section mentioned shall keep for and use in such business no other than true and correct scales and weights.

Scales must be true.

Said designation and said oath shall thereupon and within the time aforesaid, be recorded in the office of the recorder of the county in which such business is to be or is being carried on.

No person, excepting the person or persons thus designated and subscribing and recording such oath shall do any of the weighing of such business.

SEC. 3. Every person engaged in the business in said section one mentioned shall keep and use therein none but true weights, and scales; said weights must conform to the United States standard of weights.

Weights must conform to United States standard.

SEC. 4. The board of supervisors of the respective counties of the State of California, hereby are authorized to appoint for their respective counties an inspector of weights and measures, who shall hold office at the pleasure of said board and receive such compensation as each board may allow, and whose duty it shall be from time to time to test and examine all scales and weights kept or used in the business in the foregoing sections mentioned, and report all violations of this act to the district attorney of such county, whose duty it shall be to prosecute all violations hereof.

Appointment of inspector of weights and measures.

Penalty. SEC. 5. Every violation of this act shall be and is punishable as a misdemeanor.

Recovery  
for short-  
age.

SEC. 6. Besides the prosecution of the criminal actions herein provided for, every person defrauded by false or incorrect weighing shall be entitled to recover from the person owning or conducting such business as in the foregoing sections mentioned, in any court of competent jurisdiction, three times the amount of such shortage in weight of the grain or other commodity so delivered or taken out by him.

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## CHAPTER CCLXX.

*An act to enforce the educational rights of children and providing penalties for violation of the act.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Compul-  
sory  
attendance  
at school.

SECTION 1. Unless excused as hereinafter provided, each parent, guardian, or other person, in the State of California, having control or charge of any child between the ages of eight and fourteen years, shall be required to send such child to a public school, during each school year, for a period of at least five months of the time during which a public school shall be in session, in the city or city and county or school district in which said child resides, and at least eighteen weeks of such attendance shall be consecutive; *provided*, that should it be shown to the satisfaction of the board of education of the city or county, or of the board of trustees of the school district, in which such child resides, that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at school, or application to study, a certificate from any reputable physician that the child is not able to attend school, or that its attendance is inadvisable, must be taken as satisfactory evidence by any such board, or proof being given that the parents or parent are extremely poor or sick, and that the services of the child are actually needed to support such parents or parent; or that such child is being taught in a private school, or by a private tutor, or at home by any person capable of teaching, in such branches as are usually taught in the primary and grammar schools of this state; or that no public school is located within two miles, by the nearest traveled road, of the residence of the child; or that the child has completed the prescribed grammar school course; then it shall be the duty of such board of education or board of trustees, upon application of the parent, or guardian, or other person having the control or charge of such child, to excuse such child from attendance at school, during the continuance

Excep-  
tions.

of such defect or condition upon which such excuse is granted; and provided further, that circumstances rendering attendance impracticable or dangerous to health, owing to unusual storm or other sufficient cause, shall work an exemption from the penalties of this act. If any parent or guardian or other person having control or charge of any such child presents proof to such board of education or board of trustees, by affidavit, that he is unable to compel such child to attend school, said parent, guardian or other person shall be exempt from the penalties of this act, as regards the subsequent non-attendance at school of such child, and said child may, in the discretion of such board, be deemed a truant and subject to assignment to the parental school.

Truants.

SEC. 2. Any parent, guardian, or other person having control or charge of any such child, who shall fail to comply with the provisions of this act, shall, unless excused or exempted therefrom as hereinbefore provided, be deemed guilty of a misdemeanor, and upon conviction, shall be liable, for the first offense, to a fine of not more than ten dollars or to imprisonment for not more than five days, and for each subsequent offense he shall be liable to a fine of not less than ten nor more than fifty dollars, or to imprisonment for not less than five days nor more than twenty-five days, or to both such fine and imprisonment.

Penalty for failure to comply with act.

SEC. 3. The board of education of any city or city and county, or the board of trustees of any school district, shall, on the complaint of any person, make full and impartial investigation of all charges against parents or guardians or other persons having control or charge of any such child, for violation of any of the provisions of this act. If it shall appear upon such investigation that any such parent or guardian or other person has violated any of the provisions of this act, it is hereby made the duty of the secretary of such board of education, except as hereinafter provided, or the clerk of such board of trustees, to make and file in the proper court a criminal complaint against such parent, guardian or other person, charging such violation, and to see that such charge is prosecuted by the proper authorities; provided, that in cities, and cities and counties having an attendance officer or officers, such officer or officers shall, under the direction of the board of education, or the city superintendent of schools, make and file such complaint, and see that such charge is prosecuted by the proper authorities.

Investigation of charges against parents.

Criminal complaint.

SEC. 4. The board of education of any city, or city and county, may appoint and remove at pleasure one or more attendance officers of such city, or city and county, and shall fix their compensation, not exceeding one thousand dollars per annum for any such officer, payable from the county or special school fund of such city or city and county, and shall prescribe their duties, not inconsistent with law, and make rules and regulations for the performance thereof; provided, that in any city, or city and county, containing less than twenty thousand school census children, not more than one attendance officer shall be

Attendance officers.



appointed, and in any city, or city and county, containing more than twenty thousand school census children, not more than one attendance officer shall be appointed for each twenty thousand school census children, or fraction greater than one half thereof.

Duty of attendance officer.

SEC. 5. It shall be the duty of the attendance officer to arrest during school hours, without warrant, any child between eight and fourteen years of age, found away from his home, and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department as a truant from instruction upon which he is lawfully required to attend within the city, or city and county. He shall forthwith deliver the child so arrested either to the parent, guardian or other person having control or charge of such child, or to the teacher from whom said child is then a truant, or if such child shall have been declared an habitual truant, he shall bring such child before a magistrate for commitment by him to a parental school, as provided in this act. The attendance officer shall report promptly such arrest, and the disposition made by him of such child, to the school authorities of such city, or city and county.

What constitutes a truant.

Any child may be reported as a truant, in the meaning of this act, who shall have been absent from school without valid excuse more than three days or tardy on more than three days, any absence for a part of a day being regarded as a tardiness. Any child who has once been reported as a truant and who is again absent from school, without valid excuse, one or more days, or tardy on one or more days, may again be reported as a truant. Any child may be deemed an habitual truant who shall have been reported as a truant three or more times. Any child who has once been declared an habitual truant and who, in a succeeding year, is reported as a truant from school one or more days or tardy on one or more days without valid excuse, may be again declared an habitual truant.

Habitual truant.

Schools for habitual truants.

SEC. 6. The board of education of any city, or city and county, may establish schools in a manner hereinafter prescribed, or set apart rooms in public school buildings for children between eight and fourteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a parental school. A parental school, as herein designated and provided for, shall be one of the primary and grammar schools of the city, or city and county, and the teachers therein shall have the same qualifications and be employed and paid in the same manner as in other primary and grammar schools; but such parental school shall be established and maintained specially for the instruction therein of such pupils, between the ages of eight and fourteen years, as shall be committed thereto as provided in this act, and no pupil shall be committed to, or required to attend, such school, except as in this act provided. Said board of education may make such special rules and regulations for

Parental school.

Rules for government of parental schools.

the government of a parental school as shall be consistent with the provisions and purposes of this act and not contrary to law. Such board may provide for the detention, maintenance and instruction of such children in such schools; and such board or the city superintendent of schools in any city, or city and county, may, after reasonable notice to any such child, and an opportunity for the child to be heard, and with the consent of the parent, guardian or other person having control or charge of such child, order such child to attend such school, or to be detained and maintained therein for such period and under such rules and regulations as such board may prescribe, not exceeding the remainder of the school year. If such parent, guardian, or person having control or charge of such child shall not consent to such order, such child may be proceeded against under this act. If any child, in any city, or city and county in which a parental school shall be established, shall be an habitual truant, or be irregular in attendance at school, within the meaning of these terms as defined in this act, or shall be insubordinate or disorderly during attendance at school, it shall be the duty of the attendance officer, or of the secretary of the board of education if there be no attendance officer, to make and file a complaint against such child, in the proper court, charging the fact, and to see that such charge is prosecuted by the proper authority; and if the court, upon the hearing of such complaint, shall find that such charge is sustained, the court shall render judgment that such child be committed to, and be detained and maintained in, a parental school in such city, or city and county, for a term not to exceed the remainder of the current school year; *provided*, that if the parent, guardian or other person having control or charge of such child shall, within three days after the rendition of such judgment, execute a good and sufficient bond to the board of education of the city or city and county in which said court is situated, with sufficient sureties, in the sum of two hundred dollars, conditioned that such child will, during the remainder of such current school year, regularly attend some public or private school in such city, or city and county, and not be insubordinate or disorderly during such attendance, such bond to be approved by the judge of said court and be filed with the secretary of the board of education, then such court shall make an order suspending the execution of such judgment so long as the condition of such bond shall be complied with. If the condition of such bond be violated, such court, upon receiving satisfactory evidence of the fact in any action brought therefor, shall make an order declaring such bond forfeited and directing such judgment to be thenceforth enforced. Such board of education may, at any time within one year after any such bond shall be declared forfeited, have execution issued against any or all of the parties to such bond, to collect the amount thereof; and all moneys paid or collected on such bond shall be paid over to the parental school fund of such city, or city and county. No fees shall be charged or received by any court or officer in any proceeding

Complaint  
against  
child.

Bond of  
parent.

Forfeiture of  
bond.

under this section. The confinement of any child in a parental school shall be conducted with a view to the improvement of the child and to its restoration, as soon as practicable, to the school which he would, if not so confined, be required to attend. The city superintendent of schools, or, if there be no city superintendent, the board of education of any city, or city and county, shall have authority, in their discretion, to parole at any time any child committed to, or ordered to attend, a parental school, except when such commitment shall be by judgment or order of a court; and when such commitment of any child shall be by judgment or order of a court, such court may, on the recommendation of the city superintendent of schools, or the board of education, make an order paroling such child, upon such terms and conditions as shall be specified in the order. The expense incurred by any city, or city and county, in purchasing or renting a school site, erecting or renting a building and equipping the same, for the maintenance of a parental school, shall be paid out of funds other than those collected for the maintenance of schools. The salaries of teachers and the expense for all school supplies in a parental school shall be paid out of the same funds from which similar salaries and expense are paid for primary and grammar schools, but all other expense incurred in the maintenance of such parental schools shall be paid out of the parental school fund.

Parole of child.

Expense of maintaining parental school.

Estimate of cost of conducting school to be furnished city council.

Special tax levy.

Annual estimate to be furnished.

SEC. 7. Whenever any board of education shall determine that it is necessary or expedient for the city or city and county to establish and maintain a parental school, said board shall furnish to the city council, or other governing body of such city or city and county, all necessary and required information and statistics, and if, after consideration, such city council or other governing body grants its consent for the establishment of such parental school, then the board of education shall furnish to the authorities whose duty it is to levy taxes in such city, or city and county, thirty days before the time specified by law for fixing the annual tax rate, an estimate of the cost of purchasing or renting a suitable site, and also an estimate of the cost of renting or erecting a suitable building and equipping the same for occupancy as a parental school, and the cost to the city or city and county, other than for salaries of teachers and for school supplies, of conducting the school for the remainder of the current school year. When, pursuant to such consent by such governing body, such estimates shall have been so made and furnished by the board of education of any city, or city and county, it is hereby made the duty of the authorities whose duty it shall be to levy taxes in such city, or city and county, at the time of levying the taxes, to levy a special tax upon all taxable property of said city, or city and county, sufficient in its judgment to provide the facilities requested by the board of education, and for which such estimates shall have been so furnished. It shall be the duty of the board of education, yearly, thereafter, to present to the authorities of the city, or city and county, whose duty it is to levy taxes, on

or before the first Monday in July, an estimate of the moneys required for conducting the parental school for the school year, other than for the salaries of teachers and for school supplies. When such estimate shall have been so presented, it shall be the duty of the said authorities to levy a special tax upon the taxable property of said city, or city and county, sufficient to maintain such school for the year, exclusive of salaries of teachers and expense of school supplies. All taxes in this act provided for shall be computed, entered upon the tax-roll and collected, in the same manner as other taxes are computed, entered and collected, and when collected shall be placed in a separate fund, to be known as the "parental school fund," and shall be paid out on the order of the board of education for the purposes set forth in this act; *provided*, that all moneys so collected for the purchase of sites or buildings, or the erection or equipment of buildings for parental school purposes, shall be placed in a separate fund, to be known as the "parental school building fund," and shall be used solely for the purpose or purposes for which collected, except that after such purpose or purposes shall have been fully accomplished, the residue of such fund, if any, may be transferred to said parental school fund.

Parental  
school  
fund.

SEC. 8. Two or more school districts or cities may unite in the following manner, to form a joint district for the maintenance of a joint parental school. When any board of education or board of school trustees has secured, in the manner as set forth in section seven of this act, the consent of the legislative body of the city or school district, in which said board of education or board of school trustees holds office, for the union of two or more districts to form a joint parental school district, said board of education or board of trustees shall transmit such information to the board of supervisors of the county of which said city or school district or districts forms a part, setting forth at the same time the cities or districts with which said city or district seeks to unite for the maintenance of a joint parental school. When such information has been received by the board of supervisors from all the cities or school districts seeking to be united, it is hereby made the duty of the board of supervisors, by resolution, to declare such cities or school districts united for the maintenance of a joint parental school, to be known as the joint parental school district of (give the names of the school districts uniting). When the districts have been so united, the boards of education or boards of trustees of the cities or school districts so uniting shall appoint a board of trustees for the joint parental school district, to consist of five members, (unless the number of cities or school districts uniting exceeds five), who shall be appointed from the membership of the boards of the several districts or cities uniting, by the respective boards in approximate proportion to the census children between five and seventeen years of age, in the districts uniting; *provided however*, that each district shall be represented by at least one member on the board of trustees of the joint parental school

Formation  
of joint  
parental  
schools.

Duty of  
board of  
super-  
visors.

Appoint-  
ment of  
board of  
trustees.

Repre-  
sentation.

district. The members so appointed, to serve for the remainder of the term of office for which they were elected on their respective boards of education or boards of trustees, and when

Vacancies. Vacancies occur on said board of trustees of joint parental school districts, they shall be filled by the board making the original appointment. The superintendent of schools of each of the cities or school districts uniting, shall be ex officio members of the board of trustees of the joint parental school district, without the right to vote. In the management of a parental school within a school district, city, or city and county, the right to transport pupils to and from school at public expense, when, in the judgment of the board of education, or board of school trustees, the interest of the pupil demands it, is hereby conferred upon such boards. All the powers and duties by any section of this act conferred or imposed upon the boards of school trustees or boards of education of any city, or city and county, in the management of, and the securing of, funds for a parental school within a city or school district, are hereby conferred upon and imposed upon the board of trustees of any joint parental school district in the management of and the securing of funds for the support of a joint parental school; *provided however*, that in estimating the expense of maintenance of a joint parental school the amount of money needed for the payment of teachers' salaries and for the furnishing of school supplies, shall be included in the estimate of expenses; *and provided further*, that the estimates shall be transmitted to the board of supervisors of the county of which the joint parental school district forms a part. When such estimates shall have been so transmitted, it is hereby made the duty of the board of supervisors to levy a special tax upon the taxable property within the boundaries of the joint parental school district, sufficient to provide the facilities requested by the board of trustees of the joint parental school district, and for which such estimates shall have been furnished, and yearly thereafter when the estimates of the total expense of the maintenance of the joint parental school and increased facilities shall have been furnished the board of supervisors, it shall be the duty of said board to levy a special tax sufficient to maintain the school for the year. All taxes in this act provided shall be computed and entered upon the tax roll and collected in the manner prescribed for the collection of taxes in section seven of this act; *provided*, that all moneys so collected shall be collected by the county tax collector and apportioned to the credit of the joint parental school district, and placed in the fund for which they were specially collected. If for sites or buildings, to be placed in a fund known as the joint parental school building fund, to be used exclusively for the purposes for which they were collected, the same as set forth in section seven of this act. The board of trustees of joint parental school districts shall organize, by the election of one of their number as chairman, and by the election of a secretary who shall be the city superintendent of schools, or the secretary of a board of education

Transportation of pupils.

Powers and duties of trustees of joint districts.

Estimates of expense.

Board of supervisors to levy special tax.

Collection.

Funds.

Organization of joint board

or the clerk of one of the boards of education or boards of trustees of the cities, or school districts united, and such secretary shall serve without additional salary. All moneys in a joint parental school fund shall be paid out on the order of the board of trustees of the joint parental school district for the purposes herein set forth, and in the same manner that funds are paid from the ordinary school funds of a school district.

SEC. 9. All fines paid as penalties for the violation of any of the provisions of this act shall, when collected or received, be paid over by the justice or officer receiving the same to the treasurer of the city, or city and county, in which the offense was committed, to be placed to the credit of the parental school fund of such city, or city and county, if there be such a fund, otherwise to the credit of the general school fund of such city, or city and county, or to the county treasurer, to be placed to the credit of the school fund of the school district in which the offense was committed.

Disposition of fines collected.

SEC. 10. Any parent or guardian of any deaf, dumb, or blind child, legally entitled to admission to said institution, shall send such child to said institution until such child shall have been therein for five years, or shall have reached the age of majority, unless such child shall be excused from such attendance by the board of education or board of trustees of the city, city and county, or school district in which such child resides, for the reason that the child's bodily or mental condition is such as to prevent or render inadvisable attendance at said institution, or for the reason that such child is receiving proper instruction at home or in some public or private school. Any parent or guardian failing to comply with the requirements of this section shall be guilty of a misdemeanor, and be punishable as provided in section two of this act.

Compulsory attendance of deaf, etc., children.

SEC. 11. Any justice of the peace, or recorder of the city or city and county or any justice of the peace of the township in which the school district is located, or in which the offense is committed, shall have jurisdiction of all offenses committed under the provisions of this act.

Justice courts have jurisdiction.

SEC. 12. This act shall take effect and be in force from and after July first, nineteen hundred and three.

In effect.

SEC. 13. An act entitled an act to enforce the educational rights of children, approved March twenty-eighth, eighteen hundred and seventy-four, and all acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Act of 1874 repealed.

## CHAPTER CCLXXI.

*An act to amend the Civil Code of the State of California, by adding a new section thereto to be numbered and known as section three hundred and sixty-one a, relating to transfers of the business, franchises and property of corporations.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The Civil Code of the State of California is hereby amended by adding a new section thereto, to be numbered and known as section three hundred and sixty-one a, and to read as follows:

Transfer of franchise of corporation not valid without consent of stockholders.

361a. No sale, lease, assignment, transfer or conveyance of the business, franchise and property, as a whole, of any corporation now existing, or hereafter to be formed in this state, shall be valid without the consent of stockholders thereof, holding of record at least two thirds of the issued capital stock of such corporation; such consent to be either expressed in writing, executed and acknowledged by such stockholders, and attached to such sale, lease, assignment, transfer or conveyance, or by vote at a stockholders' meeting of such corporation called for that purpose; but with such assent, so expressed, such sale, lease, assignment, transfer or conveyance shall be valid; *provided, however,* that nothing herein contained shall be construed to limit the power of the directors of such corporation to make sales, leases, assignments, transfers or conveyances of corporate property other than those hereinabove set forth.

## CHAPTER CCLXXII.

*An act to amend section one thousand four hundred and sixteen, of the Civil Code, and to add one new section to the Civil Code, to be numbered one thousand four hundred and twenty-two, relating to appropriation of water, and work to be done by the claimant.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one thousand four hundred and sixteen of the Civil Code is hereby amended so as to read as follows:

Diligence in appropriation of water.

1416. Within sixty days after the notice is posted, the claimant must commence the excavation or construction of the works in which he intends to divert the water, or the survey, road or trail building, necessarily incident thereto, and

must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by snows or rain; *provided*, that if the erection of a dam has been recommended by the California debris commission at or near the place where it is intended to divert the water, the claimant shall have sixty days after the completion of such dam in which to commence the excavation or construction of the works in which he intends to divert the water.

SEC. 2. One new section is hereby added to the Civil Code to be numbered one thousand four hundred and twenty-two, as follows:

1422. If the place of intended diversion or any part of the route of intended conveyance of water so claimed, be within, and a part of, any national park, forest reservation, or other public reservation, and be so shown in the notice of appropriation of said water, then the claimant shall have sixty days, after the grant of authority to occupy and use such park or reservation for such intended purpose, within which to commence the excavation or construction of said works; *provided* that within sixty days after the posting of said notice of appropriation, as provided in section 1415 of the Civil Code, the claimant shall in good faith commence (and thereafter diligently and continuously, except when temporarily interrupted by snow or rain, prosecute to completion) such surveys and other work as under the regulations governing such park or reservations, may be required as preliminary to, or for use with, an application for such authority; *and provided also* that the claimant shall in good faith on completion of said survey and preliminary work, apply to the officer, board, or body, having charge of such park or reservation, for such authority, and shall thereafter, prosecute said application with reasonable diligence.

Time within which to commence excavation on public reservations.

SEC. 3. This act shall take effect immediately.

### CHAPTER CCLXXIII.

*An act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money hereafter collected by the State of California from the United States for costs, charges and expenses incurred by said state for enrolling, clothing, supplying, arming, equipping, paying and transporting its troops employed in aiding to suppress the

Appropriation to pay claim of George M. Hawley and Thos. M. Nosler.



insurrection in the United States existing on the 27th day of July, 1861, to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, the sum of twenty-five per cent of such sums as may be hereafter recovered and collected by the State of California from the United States on said accounts, which per cent shall only be paid as fast as the principal sums are received from the United States government; *provided*, that the per cent or money paid to said Hawley and Nosler, in pursuance of this act, shall in no event exceed the sum of \$50,000.

Duty of  
controller.

SEC. 2. The controller of the State of California is hereby directed to draw his warrants in favor of said George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, their successors or assigns, for said twenty-five per cent on all sums of money hereafter collected from the United States on said accounts, as and when collected, but in no event shall said amount to be paid to said Hawley and Nosler exceed the sum of \$50,000, in the aggregate; and the treasurer of the State of California is hereby directed to pay the same.

SEC. 3. This act and the claim hereby provided for are excepted from the provisions of section 672 of the Political Code.

SEC. 4. This act shall take effect from and after its passage.

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#### CHAPTER CCLXXIV.

*An act to add a new section to the Political Code of the State of California, to be known as section 460, relating to the office of the treasurer of state.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be known as section four hundred and sixty (460), the same to read as follows:

Porter for  
state  
treasury.

460. The treasurer may employ a porter at an annual salary of seven hundred and twenty dollars.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLXXV.

*An act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be the duty of the owner of any well that may be drilled in the State of California on lands producing or containing oil or petroleum, to properly case such well with metal casing, in accordance with the best approved methods, landing the casing in the clay or other water-impervious strata or formation immediately underlying the surface water-bearing sands or strata, and also to, if the well be drilled to a sufficient depth, land the casing in the clay or other water-impervious strata or formation underlying such oil or petroleum producing or bearing sands or strata, and effectually shut off all water overlying and underlying the oil or petroleum producing or bearing sands or strata, and effectually prevent any water from penetrating such oil or petroleum producing or bearing sands or strata.

Wells drilled in oil-bearing strata to be cased.

SEC. 2. It shall be the duty of the owner of any well referred to in section one of this act, before abandoning same, to withdraw the casing therefrom and securely fill such well with clay, earth or mortar, or other good and sufficient materials, used alone or in suitable combination and thoroughly packed and tamped in the well, to a point 100 feet above the upper oil or petroleum bearing or producing sand or strata, and while withdrawing the casing therefrom, and effectually shut off and exclude all water underlying and overlying such oil or petroleum bearing or producing sand or strata from penetrating such sand or strata.

Abandoned wells to be filled with earth.

SEC. 3. The term "owner" as herein used shall mean and include each and every person, persons, copartnership, partnership, association or corporation owning, managing, operating, controlling or possessing any well mentioned in sections one and two of this act, either as principal or principals, lessee or lessees of such principal or principals, and their and each of their employés; the term "oil or petroleum producing or bearing sand or strata" as herein used shall mean and include any bed, seam or stratum of rock or sand or other material which contains, includes or yields earth oil, rock oil, or petroleum oil or natural gas or either of them.

"Owner" defined.

"Oil strata" defined.

SEC. 4. Any violation of the provisions of this act shall be deemed a misdemeanor.

## CHAPTER CCLXXVI.

*An act to provide for the care, management, and protection of state highways.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Removal of encroachments from state highways.

SECTION 1. If any state highway duly declared, laid out, or erected, is encroached upon by fences, buildings, or otherwise, the highway commissioner of California may require the removal of the encroachment. Notice must be given to the occupant or owner of the land or person causing or owning said encroachment, or must be left at his place of residence, if such be known to the commissioner, or in case of a non-resident, then left with his agent if known, otherwise it must be posted on the encroachment. Said notice must specify the breadth of the state highway, the place and extent of the encroachment, and require him to remove the same within five days.

Penalty for failure to remove.

SEC. 2. If the encroachment is not removed, or commenced to be removed and diligently prosecuted prior to the expiration of the five days from the service or the posting of the notice, the one who caused, owns, or controls the encroachment forfeits ten dollars for each day the same continue unremoved. If the encroachment is such as to effectually obstruct and prevent the use of the road for vehicles, the state highway commissioner must forthwith remove the same.

Action to compel removal.

SEC. 3. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged as being an encroachment refuses to remove or permit the removal thereof, the state highway commissioner must commence in the proper court an action to abate the same as a nuisance. If he recovers judgment, he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after such notice, and also his costs in his said action.

May be removed by commissioner.

SEC. 4. If the encroachment is not denied, but is not removed for five days after the notice given as hereinbefore provided, the state highway commissioner may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, and also ten dollars for each day the same remains after said five days' notice, in an action for that purpose.

Obstructions by means of ditches; penalty.

SEC. 5. Whoever obstructs or injures any state highway, or diverts any watercourse thereon, or drains water from his land on any highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of ten dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code. Any person, persons, or corporations, who shall,

by storing or distributing water for any purpose, permit the water to overflow, or saturate by seepage, any state highway, to the injury thereof, shall, upon notification of the state highway commissioner, discontinue and repair the damage occasioned by such overflow or seepage; and should such repair not forthwith be made by such person, persons, or corporations, said state highway commissioner shall make such repairs and if necessary divert the flow or seepage, and recover the expense thereof from such person, persons, or corporation, in an action by law. All persons excavating irrigation, mining, or draining ditches across the state highways shall be required to bridge such ditches under the direction of the commissioner, at such crossings, and upon neglect to do so, the state highway commissioner shall construct the same and recover the cost of constructing said bridge or bridges of such person by action, as provided in this section; and whoever willfully injures any bridge on a state highway is hereby declared to be guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the state in a civil action; *provided, further*, that every person who knowingly allows the carcass of any dead animal (which animal belongs to him at the time of its death) to be put or remain within one hundred feet of any state highway, and every person who puts the carcass of any dead animal within one hundred feet of any state highway, or who shall deposit on any state highway any refuse, or waste tin, sheet iron, broken glass, or other refuse matter, is guilty of a misdemeanor.

Overflow  
or seepage.

Ditches  
must be  
bridged at  
crossings.

Carcasses  
of dead  
animals.

Waste  
materials.

SEC. 6. Whoever removes or injures any mile-stone, mile-board, or guide-post, or any inscription thereon, erected on any state highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided in section five hundred and ninety of the Penal Code.

Injuring  
guide-  
posts.

SEC. 7. Any person may notify the occupant or owner of any land from which a tree or other obstruction has fallen upon any state highway to remove such tree or obstruction forthwith. If it is not so removed, the owner or the occupant is liable to a penalty of one dollar for every day thereafter until it is removed, and the cost of removal at the suit of the commissioner.

Fallen  
trees.

SEC. 8. Whoever cuts down a tree so that it falls into any state highway must forthwith remove the same, and is liable to a penalty of ten dollars for every day the same remains in such highway.

SEC. 9. Whoever digs up, cuts down, or otherwise maliciously injures or destroys any shade or ornamental trees on any state highway, unless the same is deemed an obstruction by the state highway commissioner, and removed under his direction, forfeits one hundred dollars for each such tree.

Shade trees  
must not  
be de-  
stroyed.

SEC. 10. All penalties or forfeitures and other recoveries given in this act and not otherwise provided for, must be recovered by the state highway commissioner by suit in the name of the state, and paid into the state treasury, and thereafter be used for the purpose of costs or expenses in future proceedings under this act or for state road purposes.

Recovery  
of penalties

SEC. 11. All acts, or parts of acts, in conflict with the provisions of this act, are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

## CHAPTER CCLXXVII.

*An act to amend section 36 of an act, entitled "An act to establish a uniform system of county and town governments," approved March 1st, 1897.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 36 of an act, entitled "An act to establish a uniform system of county and township governments," approved March 1st, 1897, is hereby amended to read as follows:

Limitation  
of liabilities.

Duty of  
auditor.

Estimate  
of revenue.

Restrictions on  
super-  
visors.

Exceptions

Section 36. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. Up to and including the 1st day of January in each fiscal year the board shall have no power for any purpose to contract debts or liabilities in any manner or for any purpose nor to make any allowances against any funds, which with all the debts and liabilities previously incurred and with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed seventy per cent of the auditor's estimate of revenue for the year, except to build or repair roads and bridges which have been destroyed or made impassable by flood or fire. Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same. When several allowances are made on the same day,

they shall be deemed to have been in the order in which they are entered in the "allowance book," and shall be certified in that order by the auditor.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLXXVIII.

*An act to amend section 1818 of the Political Code, relating to the duties of boards of supervisors levying county school tax.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen hundred and eighteen of the Political Code is hereby amended to read as follows:

1818. The board of supervisors of every county having less than three hundred and forty thousand inhabitants must, annually, at the time of levying other county taxes, levy a tax, to be known as the county school tax, the maximum rate of which must not exceed fifty cents on each one hundred dollars of taxable property in the county, nor the minimum rate be less than sufficient to raise a minimum amount reported by the county superintendent, in accordance with the provisions of the preceding section. The supervisors must determine the minimum rate of the county school tax as follows: They must deduct fifteen per cent from the equalized value of the last general assessment roll and the amount required to be raised, divided by the remainder of the assessment roll, is the rate to be levied; but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Levy of county school tax.

Rate; how determined.

(A) In every county, or city and county, constituting but one school district, a portion of the school funds for any fiscal year subsequent to the present fiscal year equal in amount to the sum total of teachers' salaries for the next preceding fiscal year payable out of the school fund in question, shall constitute a special fund, to be used only for the payment of teachers' salaries as hereinafter provided, and to be known as the teachers' salary fund; *provided*, that no portion of any school fund consisting of moneys which are applicable exclusively to some special purpose defined by statute other than the payment of teachers' salaries shall be deemed a part of such school fund for the purposes of this act. Out of the teachers' salary fund shall be paid the salaries of all teachers holding in the fiscal year positions which existed in the preceding fiscal year. No other demands whatsoever shall be paid out of such fund. If, by any increase in the rate of salaries, or for any other cause, such fund should be insufficient to pay all of the salaries which constitute demands against it such fund shall

Special fund for teachers' salaries.

Procedure if fund be insufficient.

be divided pro rata among such demands, and the portion of such demands unpaid shall be payable out of any available money in the school fund of which said teachers' salary fund constitutes a part. If teachers' positions other than or in addition to those which existed in the preceding fiscal year are created, the salaries of teachers holding such different or additional positions shall not be paid out of the teachers' salary fund, but out of any other available moneys; but the amount of such salaries shall be included in determining the amount of the teachers' salary fund for the succeeding fiscal year. If there remain in any fiscal year any money in any teachers' salary fund after the payment of all legal demands for such year against such fund, such money so remaining shall be transferred to the general school fund of which said teachers' salary fund is a part, and shall become available for the payment of any unpaid lawful demands against such general fund. It shall be the duty of any officer whose duty it is to audit demands against the school fund of any such county, or city and county, in this state, on or before the first Monday of the fiscal year, to file with the board of supervisors of such county, or city and county, and with the officer whose duty it is to pay demands against the school fund of any such county, or city and county, a certified copy of the statement made by him of the amount of money used in such county, or city and county, for the payment of teachers' salaries for the next preceding fiscal year, and no demands against the school funds of such county, or city and county, shall be allowed, audited, or paid until said copies shall have been filed, as aforesaid. The allowance, audit, or payment of any demand out of a teachers' salary fund in violation of this act, may be enjoined by the suit of any teacher whose salary is payable from said fund. The members of the governing body of any such county, or city and county, in this state, who shall pass a demand against said teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to audit demands against such fund and who shall audit a demand against said teachers' salary fund in violation of the provisions of this act, and any officer whose duty it is to pay demands against such funds, and who shall pay a demand against said teachers' salary fund in violation of this act, shall each be jointly and severally liable therefor to any teacher whose salary is payable from said fund who shall have been damaged by the allowance, audit, and payment of such demand.

SEC. 2. This act shall take effect and be in force from and after its passage.

Unused salary fund to be transferred to general fund.

Statement of money used.

Liability for violation of act.

## CHAPTER CCLXXIX.

*An act to authorize cities to acquire and operate a joint system or systems of water supply.*

[Approved March 24, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Any two or more cities incorporated under the constitution and laws of this state are hereby empowered to jointly acquire and develop a source or sources of water supply for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs.

Joint city  
water  
supply.

SEC. 2. Whenever the legislative body of a city deems it advisable to investigate the desirability of joint action with any other city, or cities, for acquiring and maintaining a water supply, such legislative body shall pass a resolution to that effect, and thereupon the mayor of said city shall, with the consent and advice of said legislative body, appoint three commissioners to confer with like commissioners from any other city. Said commissioners from the respective cities shall meet and consider the question of the desirability of their respective cities taking joint action to acquire and develop water supply for their respective cities, and the plans, terms and conditions they deem feasible, just and equitable, and if they agree upon such plans, terms and conditions they shall report the same to the legislative bodies of their respective cities.

Confer-  
ence com-  
mission.

SEC. 3. If the legislative bodies of two or more cities approve the plans, terms and conditions of the joint action reported by the commissioners they shall, by resolution, declare such approval, and shall submit the same to the qualified voters of their respective cities for their approval or rejection at the next city election, or at a special election called for that purpose. If the terms, conditions and plans are approved by a majority of the voters voting thereon at such election the said cities may enter upon the work of developing or acquiring water supply for the said cities in accordance with such plans, terms and conditions. And any city may, in the manner required by law, issue bonds for the purpose of prosecuting and completing the work of acquiring a water supply jointly with other cities. All proceedings relating to the issue of such bonds shall be taken as now required by law for the issue of bonds to acquire a water supply.

Approval  
to be sub-  
mitted to  
voters.

Bond issue

SEC. 4. Joint ownership and costs shall be restricted to those portions of the sources and works which shall be common to all the municipalities served, and each municipality shall exclusively own, construct and operate those sources and works which are for its exclusive use.

Restric-  
tions on  
joint  
ownership.

SEC. 5. The apportionment of all costs of acquisition, construction, operation and maintenance of the joint properties

Apportion-  
ment of  
costs.



shall be made upon the basis of the amount of water proposed to be apportioned to the several municipalities, unless a different apportionment of costs shall be agreed upon.

When not to be apportioned.

SEC. 6. The total costs of works which shall exclusively serve any municipality shall be borne by such municipality exclusively.

Conditions may be modified.

SEC. 7. The plans, terms, conditions, or other agreement for acquiring said water supply, may be modified from time to time by agreement between the respective cities, which agreement shall be declared by the action of their respective legislative bodies.

"City," etc., defined.

SEC. 8. The term "city" and the term "municipality," as used in this act shall include a consolidated city and county, and the same rights and privileges by this act given to an incorporated city shall pertain to a consolidated city and county.

Resolution must be signed by mayor.

SEC. 9. Before any resolution or ordinance relating to the joint acquisition of a water supply becomes binding upon any city or municipality it shall be approved by the mayor of such city, or passed over his veto, in the manner provided by law or the charter of such city for the passage of ordinances.

SEC. 10. This act shall be in force from and after its passage.

## CHAPTER CCLXXX.

*An act to re-enact section 681 of the Political Code, relating to the duties of clerks of boards of supervisors, trustees, common council, or other governing board or body of a county, city and county, city or town, or school district in this state, upon the issuance and sale of bonds for any purpose, and decreeing that the state shall not be required to file a certified check, bond or other assurance in law upon its application to purchase.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section six hundred eighty-one of the Political Code is hereby re-enacted to read as follows:

State board of examiners and state treasurer to be notified of bonds ready to be sold.

681. Whenever the board of supervisors, trustees, common council, or other governing board or body of any county, city and county, city or town, or school district of this state shall vote bonds for any purpose, or shall refund any bonds already issued, and said bonds are ready to be sold, the clerk of such board, trustees, common council, or other governing board or body shall forthwith, by mail, postage prepaid, notify the state board of examiners and state treasurer, at the capitol, of such issuance and sale of bonds, and shall give the name by which the bonds are known, the amount of the issuance, the denom-

ination of each bond, the rate of interest, and length of time bonds are to run. No certified check, bond, or other assurance in law shall be required from the state upon its application to purchase bonds.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLXXXI.

*An act to amend section 14 of the Civil Code of the State of California, relating to the definition of words.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section fourteen of the Civil Code of the State of California, is hereby amended to read as follows:

14. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation as well as a natural person; county includes city and county; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it, by a person who writes his own name as a witness; *provided*, that when a signature is by mark it must in order that the same may be acknowledged or may serve as the signature to any sworn statement be witnessed by two persons who must subscribe their own names as witnesses thereto. The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

Words;  
definition.

1. The word "property" includes property real and personal;
2. The words "real property" are coextensive with lands, tenements, and hereditaments;
3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;
4. The word "month" means a calendar month, unless otherwise expressed;
5. The word "will" includes codicil;
6. The word "section" whenever hereinafter employed refers to a section of this code, unless some other code or statute is expressly mentioned.

Significa-  
tion of  
words.

## CHAPTER CCLXXXII.

*An act to amend the Political Code by adding a new section thereto, to be numbered 3658a, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is hereby added to the Political Code, to be numbered thirty-six hundred and fifty-eight *a*, and to read as follows:

Official map of additions to city to be made.

3658a. Whenever any city, town, or subdivision of land is platted or divided into lots or blocks, and whenever any addition to any city, town, or such subdivision shall be or has been laid out into lots or blocks for the purpose of sale or transfer, it shall be lawful for the city engineer, or the county or city and county surveyor, under the direction and with the approval of the city council or board of supervisors of said city, county, or city and county, to make an official map of such city, town, or subdivision, giving to each block on such map a number, and to each lot or subdivision in such block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons, or parks, as may be delineated on such official map. Whenever the city council or board of supervisors of such city, county, or city and county, shall adopt such map as the official map of the subdivision, town, city, county, or city and county, it shall be lawful to, and the assessor shall, describe such lots, blocks, or parcels of land by numbers or letters as delineated on such map in assessing such property, and it shall be lawful and sufficient to describe such lots or blocks in any deeds, conveyances, contracts, or obligations affecting any such lots or blocks as designated on such official map, a reference to such map sufficient for the identification thereof being coupled with such description. Such engineer or surveyor, under the direction and with the approval of the city council or board of supervisors of such city, county, or city and county, may compile such map from maps on file, or may resurvey or renumber the blocks, or renumber or reletter the lots in such blocks, or change the names of streets. All surveys and the field notes thereof made by any such engineer or surveyor, under the provisions of this section, or in surveying officially any lots or parcels of land in any city, town, county, or city and county, for the purposes of any such map, shall be filed in the office of the surveyor or engineer, as the case may be, and shall become a part of the public records of such city, town, county, or city and county. Each and every map, made and adopted as hereinabove provided, shall be certified under

Duty of assessor.

Reference to map in deeds, etc.

Surveys and field notes shall remain public property.

Maps shall be certified.

the hands of a majority of the members and the presiding officer and secretary and official seal, if any, of the authority adopting the same. Such certificate shall set forth in full the resolution adopting such map, with the date of adoption; and such map, so certified, shall be forthwith filed in the office of the county recorder of the county, or city and county, wherein the platted lands are situate, and the said recorder shall immediately securely fasten and bind, in one of a series of firmly bound books to be provided, together with the proper indexes thereof and appropriately marked for the reception of the maps herein provided for, each such map so filed with him; and the same shall become an official map for all the purposes of this section when so certified, filed and bound, but not before. This section is hereby made applicable to all cities, towns, and villages in this state, as well as to the counties, and cities and counties thereof, whether the same be incorporated or not; and the words "city council or board of supervisors" wherever used herein shall be deemed to include the proper corresponding governing board and authority in each such place; and the words "city engineer" and "county or city and county surveyor" shall be deemed to include the like or corresponding officer, subject to the direction of such "corresponding governing board and authority" in each such place; or, if there be no such officer subject to such direction, such "corresponding board and authority" may employ competent engineers and surveyors to the extent necessary for the carrying out of the purposes of this act in the places subject to its jurisdiction, and the persons so appointed shall have the same authority and shall perform the same duties as are given to and enjoined upon "city engineers" and "county or city and county surveyors," respectively, in like cases. The services of such engineers and surveyors so employed shall be contracted for, examined, passed upon, audited, and paid as are other debts contracted by such governing boards and authorities.

Filed with recorder.

Applies to all cities, towns, and villages.

Costs; how paid.

### CHAPTER CCLXXXIII.

*An act to amend section four hundred and twelve of the Penal Code with reference to sparring exhibitions and prize fights.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and twelve of the Penal Code is hereby amended to read as follows:

412. Any person, who, within this state, engages in, instigates, aids, encourages, or does any act to further a contention or fight, without weapons, between two or more persons, or a fight commonly called a ring or prize fight, either within or

Prize-fights prohibited.

Sparring  
exhibi-  
tions.

Physical  
examina-  
tion.

without the state, or who engages in a public or private sparring exhibition, with or without gloves, within the state, or who sends or publishes a challenge or acceptance or a challenge for such a contention, exhibition, or fight, or carries or delivers such a challenge or acceptance, or trains or assists any person in training or preparing for such a contention, exhibition or fight, shall be guilty of a felony, and upon conviction shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned in the state prison not less than one year nor more than three years; *provided, however, that sparring exhibitions, not to exceed a limited number of rounds with gloves of not less than five ounces each in weight may be held by a domestic incorporated club upon the prepayment by such club of an annual license to be fixed by the board of supervisors of cities and counties, or the city council or other governing bodies of incorporated cities. Said exhibitions must comply with the rules and regulations as the said supervisors, city councils or other governing bodies of cities and towns shall prescribe by ordinance; provided, further, that the boxers prior to each exhibition must be examined by a physician who shall determine whether or not they are in perfect physical condition.*

SEC. 2. This act shall take effect immediately.

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#### CHAPTER CCLXXXIV.

*An act to amend section four hundred and fifty-seven of the Political Code.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 457 of the Political Code is hereby amended so as to read as follows:

Watchmen  
for state  
treasury.

457. The treasurer may employ four watchmen at an annual salary each of twelve hundred dollars.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCLXXXV.

*An act to amend section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three hundred and sixty-two of the Civil Code is hereby amended so as to read as follows:

362. Any corporation may amend its articles of incorporation by a majority vote of its board of directors or trustees, and by a vote or written assent of the stockholders representing at least two thirds of the subscribed capital stock of such corporation; and a copy of the said articles of incorporation, as thus amended, duly certified to be correct by the president and secretary of the board of directors or trustees of such corporation, shall be filed in each office where the original articles of incorporation are, or any copy thereof is, required by this code to be filed; and from the time of so filing such copy of the amended articles of incorporation, such corporation shall have the same powers, and it and the stockholders thereof shall thereafter be subject to the same liabilities, as if such amendment had been embraced in the original articles of incorporation; *provided*, that the time of the existence of such corporation shall not be by such amendment extended beyond the time fixed in the original articles of incorporation; *provided further*, that such original and amended articles of incorporation shall together contain all the matters and things required by the laws under which the original articles of incorporation were executed and filed; *and, also provided*, that if the assent of two thirds of the said stockholders to such amendment has not been obtained, a notice of the intention to make the amendment shall first be advertised for thirty (30) days in some newspaper published in the town, city, or county, or city and county, in which the principal place of business of the corporation is located before the filing of the proposed amendment; *and provided also*, that nothing in this section shall be construed to authorize any corporation to diminish its capital stock.

Amending  
articles of  
incorporation.

Time of  
existence.

Assent of  
stock-  
holders.

Diminution of  
stock.

## CHAPTER CCLXXXVI.

*An act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Public  
assembly  
hall.

SECTION 1. Any city, town, or municipal corporation in this state may acquire, by purchase, condemnation, or otherwise, all necessary land whereon to construct, and may construct and maintain thereon, a public assembly or convention hall, and may incur indebtedness, as hereinafter provided, to pay the cost of such improvement.

Resolution  
of inten-  
tion.

SEC. 2. Whenever the legislative body of any city, town, or municipal corporation, shall, by resolution passed by a vote of a majority of its members, determine that the public interest or necessity demands the acquisition of the necessary land whereon to construct, and the construction or completion thereon, of a public assembly or convention hall, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the municipality, it may, at any subsequent meeting of such body, by an ordinance, passed by a vote of two thirds of all its members, call a special election, and submit to the qualified voters of said municipality, the proposition of incurring a debt for the purpose set forth in said resolution. The ordinance calling such special election shall recite the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness; and shall fix the date on which such special election will be held, the manner of holding such election, and of voting for or against such proposition; and in all other particulars not recited in said ordinance, such election shall be held as provided by law for holding municipal elections in such municipality. Such ordinance shall be published once a day for a period of five days in a daily newspaper published in said municipality, or once a week for three successive weeks in a weekly newspaper published in said municipality. No other notice of such election need be given.

Special  
bond elec-  
tion may  
be called.

Publica-  
tion.

Two-thirds  
vote pre-  
vails.

SEC. 3. It shall require the votes of two thirds of all the voters voting at such special election to authorize the issuance of the bonds herein provided for.

Limit of  
indebted-  
ness.

SEC. 4. No city, town, or municipal corporation shall incur an indebtedness under the provisions of this act, which together with all other indebtedness of said city, town, or municipal corporation, shall, in the aggregate, exceed fifteen per cent of the

assessed value of all the real and personal property in said city, town or municipal corporation.

SEC. 5. All bonds issued under the provisions of this act shall be issued, sold, and made payable, in the manner and form prescribed for the issue, sale, and payment of municipal bonds, by an act entitled, "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law, under the provisions of the constitution, without the governor's approval, February 25, 1901.

Issue and  
sale of  
bonds.

SEC. 6. The proceeds of the sale of bonds issued under the provisions of this act shall be placed in the municipal treasury to the credit of a fund to be known as the public hall fund, and shall be applied, exclusively, to the purpose and object mentioned in the ordinance.

Proceeds.

SEC. 7. The legislative body of said municipality shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect, annually, each year until said bonds are paid, a tax sufficient to pay the annual interest and the part of the principal of such bonds, that shall become due before the time for fixing the next general tax levy, and is not at the time of fixing such annual tax levy, otherwise provided for by funds then in the treasury and set apart for that purpose. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time, and in the same manner as other municipal taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Tax levy.

SEC. 8. All moneys derived from the use or hire of such assembly or convention hall shall be deposited in the treasury of the municipality to the credit of said public hall fund, and shall be applied, exclusively, to the following purposes, to wit:

Applica-  
tion of  
moneys de-  
rived from  
use of hall.

First—For the necessary expenses of conducting, maintaining, and insuring such hall, and of making all improvements and repairs thereof.

Second—For the payment of installments of interest or principal becoming due on said bonds until the whole of said bonded indebtedness shall have been paid.

Third—Any surplus remaining after providing for the purposes, first and second above specified, may be appropriated and used for general municipal purposes.

SEC. 9. The legislative body of any city, town, or municipal corporation wherein bonds have been issued for the construction or completion of a public assembly or convention hall, under the provisions of this act, shall have the power to appoint and employ all needful architects, engineers, superintendents, and agents, to prepare plans for the construction or completion of such public assembly or convention hall, and to superintend such work. All contracts for the construction or completion of such public assembly or convention hall, or for the furnishing of labor or materials therefor, shall be let to the lowest responsi-

Employ-  
ment of  
architects,  
etc.

Contracts.



Sealed proposals required for construction.

Rules for conduct of hall.

Hall commission.

ble bidder. The legislative body of the municipality shall advertise for at least ten days in one or more newspapers published in such municipality, inviting sealed proposals for the construction or completion of said improvement, or for the furnishing of labor and materials therefor before any contracts shall be made. The said legislative body shall have the right to require from the successful bidder, such bonds as they may deem best to insure the faithful performance of his contract. They shall also have the right to reject any and all bids. Said legislative body shall have power to appoint such officers, or agents, and to make and enforce such rules and regulations as may be necessary for the management, control, letting, and use of such public assembly or convention hall; *provided, however*, that in cities, towns, or municipal corporations, operating under a charter, heretofore or hereafter framed under section eight of article eleven of the constitution, and providing for a board of public works, all matters and things required in this section to be done and performed by the legislative body of the municipality, shall be done and performed by said board of public works; *provided, further*, that in cities, towns, or municipal corporations not having such board of public works, the legislative body may, by ordinance, appoint a commission to select the site for said hall, to have charge and supervision of its construction, and to manage and control the letting and use thereof, and may, by ordinance, prescribe and regulate the powers and duties of said commission.

SEC. 10. This act shall take effect immediately.

## CHAPTER CCLXXXVII.

*An act to repeal an act entitled "An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Act to suppress contagious diseases repealed.

SECTION 1. An act entitled "An act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901, is hereby repealed.

SEC. 2. This act shall be in force and take effect from and after its passage.

## CHAPTER CCLXXXVIII.

*An act to amend section four hundred and eighty-five of the Political Code and to provide for the appointment of a deputy surveyor-general, and an assistant surveyor-general, and a clerk for the surveyor-general and to fix their compensation.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four hundred and eighty-five of the Political Code is hereby amended so as to read as follows:

485. The surveyor-general may appoint a deputy surveyor-general, who shall be ex officio deputy of the register of the state land office, and one assistant surveyor-general, who shall be ex officio assistant register of the state land office, and one clerk, all of whom shall be civil executive officers. The annual salary of the deputy surveyor-general, including his services as ex officio deputy of the register of the state land office, shall be two thousand four hundred dollars. The annual salary of the assistant surveyor-general, including his services as ex officio assistant register of the state land office, shall be two thousand dollars. The annual salary of the clerk to the surveyor-general shall be sixteen hundred dollars. Said salaries shall be payable in the same manner as salaries of other state officers.

Deputy.

Assistant.

Clerk.

Salary of deputy.

Salary of assistant.

Salary of clerk.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CCLXXXIX.

*An act to amend an act entitled "An act providing for the construction and furnishing of a residence for the governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the governor's approval on March 7, 1899.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of an act entitled "An act providing for the construction and furnishing of a residence for the governor of the State of California, and appropriating the sum of fifty thousand dollars for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the

governor's approval, on March seventh, eighteen hundred and ninety-nine (1899), is hereby amended so as to read as follows:

Governor's  
residence;  
provision  
for.

Section 1. The unexpended balance of the sum of fifty thousand (\$50,000) dollars already appropriated by the State of California for the purposes named in said act shall be used for the purpose of erecting and furnishing a residence for the governor of the State of California, and of paying other expenses incident thereto, or as in this act provided, buying a site and building a residence thereon, or of purchasing a residence already built, or repairing, remodeling, or altering the same, and doing all other things authorized by this act.

SEC. 2. Section two of said act is hereby amended so as to read as follows:

Capitol  
commis-  
sion shall  
proceed in  
their own  
discretion.

Section 2. In the purchase of a site, in the erection of a building, stable, or other structure, in the repairing and altering of the same, or in the letting of any contract in relation thereto, or in the expenditure of any moneys in relation thereto, authorized by this act, the state capitol commission shall proceed in their own discretion, and it shall not be necessary to obtain the sanction, or approval, or consent of any other board, officer, or person to any plans, contracts, agreements, specifications, bill of particulars, or act, notwithstanding the provisions of any other law or laws now existing. This act shall be exempt from the provisions of an act entitled "An act to regulate the erection of public buildings and structures," approved April first, eighteen hundred and seventy-two, and also an act entitled "An act to regulate contracts on behalf of the state, in relation to erections and buildings," approved March twenty-third, eighteen hundred and seventy-six, and also an act entitled "An act to amend section three of an act to regulate contracts on behalf of the state, in relation to erections and buildings, approved March twenty-third, eighteen hundred and seventy-six," approved March thirty-first, eighteen hundred and ninety-one, and also an act entitled "An act to amend section three of an act to regulate contracts on behalf of the state, in relation to erections and buildings, approved March twenty-third, eighteen hundred and seventy-six," approved March thirty-first, eighteen hundred and ninety-one, and also of an act entitled "An act to amend section three of an act to regulate contracts on behalf of the state, in relation to erections and buildings, approved March twenty-third, eighteen hundred and seventy-six, and an act amendatory thereof, approved March thirty-first, eighteen hundred and ninety-one," approved March twenty-seventh, eighteen hundred and ninety-five, and also other acts amendatory thereof and supplementary thereto.

SEC. 3. Section three of said act is hereby amended so as to read as follows:

Location.

Section 3. Said governor's residence shall be erected in the city of Sacramento, and on such site as may be determined upon by the state capitol commission; the state capitol commission shall have the power to purchase a site and make all contracts in relation thereto. If the state capitol commission

decide to erect the governor's residence in the state capitol park they shall set apart such portion of said capitol park as may be necessary for said purposes. The state capitol commission shall have the power to erect a stable and such other independent structures or buildings to be used in connection with said residence as they may deem proper.

May be in capitol park.

SEC. 4. Section four of said act is hereby amended so as to read as follows:

Section 4. The state capitol commission may, if they think proper, purchase a house or building with the ground on which the same stands, and adjacent grounds adjoining the same, and may alter and repair the same and place it in such condition as they think proper for a governor's residence, and they may build additions thereto or other structures necessary or convenient for the use of the same. They shall have power to let all contracts for the erection of the governor's residence, or for the purchase, or alteration, or repair of said residence, and shall let all contracts for the furnishing of the same, and shall pay all expenses incident thereto. The said commission may employ a superintendent of construction, clerks, and other necessary employes at salaries to be fixed by the commission, to be paid out of the appropriation hereinabove named, and approved by them. The said commission may offer prizes for competitive plans, and the said commission shall be allowed the necessary contingent expenses incurred in the prosecution of its duties. Of the appropriation hereinabove specified, the said commission may expend the sum of ten thousand (\$10,000) dollars for the purpose of furnishing said residence, and the balance of said appropriation may be expended for the other purposes provided for by this act; but in no case shall indebtedness be created by the commission, or allowed by the state board of examiners in excess of the amount herein named. All items of expenditure shall, before payment, be audited by said commission and be approved by the state board of examiners, and all expenses authorized by this act shall be payable out of the appropriation hereinabove referred to.

Powers of capitol commission.

Prizes for plans.

Furnishing

Approval of claims.

SEC. 5. Section five of said act is hereby amended so as to read as follows:

Section 5. The said commission shall proceed with the performance of their duties with all possible dispatch, and when said governor's residence is ready for occupancy they shall file a certificate thereof in the office of the state controller.

Certificate of completion.

SEC. 6. Section six of said act is hereby amended so as to read as follows:

Section 6. Upon the erection, and completion, and furnishing of said governor's residence, the said commission shall make a full report of their acts and expenditures to the next session of the legislature of the State of California. The said commission shall have power to lease a house and stable for a temporary residence for the governor, prior to the completion of said residence, at a cost not to exceed two thousand dollars per annum.

Report to legislature.

May lease temporary residence.

Duty of  
controller  
and treas-  
urer.

SEC. 7. Section seven of said act is hereby amended so as to read as follows:

Section 7. The state controller is hereby directed to issue his warrants from time to time in such sums as may be necessary for the payment of any contract or other expenses incurred by the said commission for the purposes aforesaid, and the state treasurer is hereby directed to pay the same.

SEC. 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

In effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

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## CHAPTER CCXC.

*An act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for new ward at Southern California State Hospital.

SECTION 1. The sum of one hundred and ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid to the board of managers of the Southern California State Hospital, to be by them expended as follows: For building, equipping, and furnishing a central ward building to be used for patients and office purposes, on the grounds of said hospital.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrants in favor of said board of managers for the amount herein made payable, in such amounts and at such times as may be approved by the state board of examiners, and the treasurer is directed to pay the same.

In effect

SEC. 3. This act shall take effect January first, nineteen hundred and four.

## CHAPTER CCXCI.

*An act to pay the claim of Tirey L. Ford, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand two hundred twenty-three and  $\frac{59}{100}$  (\$5,223.59) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of Tirey L. Ford.

Appropriation to pay claim of Tirey L. Ford.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of Tirey L. Ford in the sum of five thousand two hundred twenty-three and  $\frac{59}{100}$  (\$5,223.59) dollars, and the state treasurer is directed to pay said warrant; and this appropriation and this warrant is hereby exempted from the provisions of section six hundred seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXCII.

*An act making an appropriation of \$500.00 for the purpose of carpeting, repairing and repainting furniture in, and furnishing the office of the clerk of the supreme court in the city and county of San Francisco, State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended for carpeting, repairing and repainting furniture and furnishing the office of the clerk of the supreme court in the city of San Francisco.

Appropriation for re-furnishing office of clerk of supreme court.

SEC. 2. Such repairs, carpeting and re-furnishing shall be made under the supervision of the clerk of the supreme court. Bills for the same shall be presented to the state board of examiners and when allowed by said board the state controller shall draw his warrants therefor against this appropriation and the state treasurer shall pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCXCIII.

*An act to provide for the completion of the modern hospital building for the Veterans' Home, located at Yountville, Napa county, State of California, now in course of construction, and appropriating money therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for completion of hospital at Veterans' Home.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the completion of the modern hospital building now in course of construction for the Veterans' Home at Yountville, Napa county, in this state, including the erection of a kitchen and dining-room in connection with the said hospital building.

SEC. 2. Said appropriation shall be expended and said building erected in conformity with the provisions of existing laws relating to the erection of public buildings and structures.

SEC. 3. The state controller is hereby authorized and directed to draw his warrants in favor of the board of directors of the Veterans' Home of California for the money hereby appropriated, and the state treasurer is hereby directed to pay said warrants.

In effect.

SEC. 4. Five thousand dollars of this appropriation shall become available July first, nineteen hundred and three, and the balance January first, nineteen hundred and four.

## CHAPTER CCXCIV.

*An act to appropriate the sum of seven thousand five hundred dollars for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for additional lands at Mendocino State Hospital.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of seven thousand five hundred dollars, to be paid on order of the board of managers of the Mendocino State Hospital for the purchase of additional lands for the protection of the water supply of said hospital.

SEC. 2. Any lands so purchased by said board of managers must be along the north or south bank or covering both banks of South Mill creek, from which the said hospital now gets its water supply, or lands on which are situated the springs which supply said Mill creek with water.

SEC. 3. The state board of examiners shall examine, audit, and allow all demands arising under this act, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same out of said fund.

SEC. 4. In no case shall the board of managers of said state hospital use any moneys herein specifically appropriated, for any purpose other than the one for which such appropriation is made.

SEC. 5. This act shall take effect July 1, 1903.

In effect.

#### CHAPTER CCXCV.

*An act to appropriate thirty thousand dollars for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the board of managers of said state hospital; to appropriate money therefor and provide for the expenditure of the same.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty thousand dollars, to be paid on the order of the managers of the Mendocino State Hospital for the erection of an assembly hall or connecting building between the administration building and the ward buildings of said hospital, and to purchase furniture for such building.

Appropriation for an assembly hall at Mendocino State Hospital.

SEC. 2. The sums herein appropriated for building purposes shall be expended pursuant to the provisions of "An act entitled an act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known as the Mendocino state insane asylum, and appropriating money therefor," approved February twentieth, eighteen hundred and eighty-nine, and "An act to regulate contracts on behalf of the state in relation to buildings," approved March twenty-third, eighteen hundred and seventy-six.

SEC. 3. The state board of examiners shall examine, audit, and allow all demands arising under this act, and the said acts herein mentioned, and the state controller shall thereupon draw his warrant therefor, payable out of the general fund, and the state treasurer is hereby authorized to pay the same.



SEC. 4. The amount herein appropriated for the purchase of furniture and furnishing the building erected by the managers of said hospital, may be drawn in one sum, or in any such sums as the board of managers of said state hospital may desire.

SEC. 5. In no case shall the managers of said state hospital use any moneys herein specifically appropriated for any purpose other than the one for which such appropriation is made.

In effect.

SEC. 6. This act shall take effect July 1, 1904.

## CHAPTER CCXCVI.

*An act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the state printing office and bindery, and specifying the duties of superintendent of state printing, board of examiners, state controller, and state treasurer in relation thereto.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for improvements, state printing office.

SECTION 1. The sum of forty thousand dollars (\$40,000.00), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of improved printing and binding material and machinery, and improvements for the state printing office and bindery, and for installing the same.

SEC. 2. The superintendent of state printing shall purchase such material and machinery and improvements as he considers necessary and shall file all bills for payment for same with the state board of examiners for approval, as provided in section six hundred and seventy-two of the Political Code.

SEC. 3. The state controller is hereby directed to draw his warrant for this amount and the state treasurer to pay the same.

In effect.

SEC. 4. This act shall take effect January first, nineteen hundred and four.

## CHAPTER CCXCVII.

*An act to provide for the purchase of fire apparatus and machinery for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary for the purchase of fire apparatus and machinery for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children. Appropriation for purchase of fire apparatus, Home for Feeble-Minded Children.

SEC. 2. The controller of state is hereby authorized to draw his warrant for the sum or sums herein appropriated, in favor of the board of trustees of said home, and the treasurer of state is hereby directed to pay the same.

SEC. 3. This act shall take effect July first, nineteen hundred and three. In effect.

## CHAPTER CCXCVIII.

*An act making an appropriation to pay the claim of Martin Brothers against the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one thousand three hundred and thirty-seven (\$1,337.00) dollars is hereby appropriated out of any money not otherwise appropriated to pay the claim of Martin Brothers against the State of California. The controller of state is hereby authorized to draw his warrant in favor of said Martin Brothers for said amount, and the treasurer of state is hereby directed to pay the same. Appropriation to pay claim of Martin Brothers.

SEC. 2. This act shall take effect and be in force from and after January first, 1904. In effect.

## CHAPTER CCXCIX.

*An act authorizing and directing the board of managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Repairs to lighting system, Agnews State Hospital.

SECTION 1. The board of managers of the Agnews State Hospital is hereby authorized and directed to make necessary repairs and improvements to the lighting system of the Agnews State Hospital.

Appropriation.

SEC. 2. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of six thousand (\$6,000.00) dollars, for making said repairs and improvements.

SEC. 3. The state controller is hereby authorized and directed to draw his warrants for the sum herein appropriated and made payable in favor of the board of managers of the Agnews State Hospital.

In effect.

SEC. 4. This act shall take effect immediately; *provided*, the appropriation herein made, shall not be available until January first, nineteen hundred and four.

## CHAPTER CCC.

*An act to provide for the preservation, improvement and maintenance of the "California Redwood Park" in Santa Cruz county, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for care of California Redwood Park.

SECTION 1. The sum of ten thousand (10,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the president and secretary of the board of commissioners of the California Redwood Park, for the care, preservation, maintenance and improvement of said park.

Powers of commissioners.

SEC. 2. Said board of commissioners are hereby authorized and empowered to expend any part of said sum of ten thousand (10,000) dollars in the construction of roads and bridges within the boundaries of said park to connect with any road leading up to the boundaries of said park; in the construction of suitable buildings and the installation of suitable sprinkling

plants; and for the care and maintenance of ample fire trails within said park; and for the employment of a warden and necessary assistants for the preservation of said park, or for any or all of said purposes.

SEC. 3. Said board of commissioners is hereby authorized and empowered to enter into any contracts necessary for the care, maintenance and improvement of said park or to carry out any of the provisions of this act. Contracts.

SEC. 4. Of the sum hereby appropriated five thousand dollars shall be available on the first day of July, nineteen hundred and three, and five thousand dollars shall be available on the first day of July, nineteen hundred and four. When funds available.

### CHAPTER CCCL.

*An act to pay the claim of the California State Agricultural Society against the state and appropriating money therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six thousand one hundred and thirty-three and  $\frac{75}{100}$  dollars (\$6,133.75) is hereby appropriated to pay the claim of the California State Agricultural Society against the state. The sum hereby appropriated is payable to the board of directors of the California State Agricultural Society, and the warrant therefor shall be delivered to said board upon the order and receipt of the president and secretary thereof, and shall be paid to said board by the treasurer upon the endorsement of said president and secretary. Appropriation to pay claim of State Agricultural Society.

SEC. 2. This act shall take effect immediately.

### CHAPTER CCCII.

*An act to appropriate \$8,875.00 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled, "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of eight thousand eight hundred and seventy-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the Appropriation to pay claim of San Francisco Law and Collection Company.

claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered nine thousand three hundred and fifty-five upon the register of the superior court of the county of Sacramento; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time the warrant is drawn, the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said San Francisco Law and Collection Company for the sum of eight thousand eight hundred and seventy-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

### CHAPTER CCCIII.

*An act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay funeral expenses of late Adjutant-General Seamans.

SECTION 1. The sum of eight hundred and seventy-nine dollars and twenty-five cents (\$879.25) is hereby appropriated to pay the expenses incurred in connection with the funeral of the late Adjutant-General W. H. Seamans.

SEC. 2. Upon the approval of the demands by the state board of examiners, the state controller is hereby authorized to draw warrants for the payment of expenses incurred in connection with the funeral of the late Adjutant-General W. H. Seamans, and the state treasurer is hereby directed to pay the same to George A. Stone.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCIV.

*An act to pay the claim of George Williams against the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred and eighty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of George Williams against the State of California, it being a claim for payment of a warrant or certificate for one hundred and eighty dollars issued on November 8th, 1852, by the then state treasurer, Richard Roman. The controller of state is hereby authorized to draw his warrant in favor of said George Williams for said amount, and the treasurer of state is hereby directed to pay the same.

Appropriation to pay claim of George Williams.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCV.

*An act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C. H. Blemmer, from the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty-seven dollars and five cents (\$257.05) to pay the claim of Dr. C. H. Blemmer, state veterinarian, the said sum of two hundred and fifty-seven dollars and five cents being now due and owing from the State of California to the said Dr. C. H. Blemmer, the said amount having been actually expended by said C. H. Blemmer in the performance of his official duties.

Appropriation to pay claim of Dr. C. H. Blemmer.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of the said Dr. C. H. Blemmer for the said sum of two hundred and fifty-seven dollars and five cents, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCVI.

*An act making an appropriation of fifty-two dollars and forty cents to pay the claim of J. D. Collins, sheriff of Fresno county, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21st, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27th, 1899.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of J. D. Collins.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifty-two dollars and forty cents, to pay the claim of J. D. Collins, sheriff of the county of Fresno, for cash expended in the transportation of Frank Sutton, on January 21st, 1899, and Albert Dunn, on January 27th, 1899, from Fresno, California to the home for feeble-minded, at Eldridge, California.

SEC. 2. The state controller is hereby directed to draw his warrant on the state treasury, in favor of said J. D. Collins, sheriff of the county of Fresno, and the state treasurer is authorized to pay the sum set forth in section one, of this act.

SEC. 3. This act is exempt from the provisions of section 672 of the Political Code of the State of California.

SEC. 4. This act shall take effect immediately from and after its passage.

## CHAPTER CCCVII.

*An act to appropriate the sum of one hundred and eighty-five dollars to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the superior court of the State of California, in and for the county of Merced.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of John E. Tucker.

SECTION 1. The sum of one hundred and eighty-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in

an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the superior court of the State of California, in and for the county of Merced; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

When  
payable.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment, properly executed by the said John E. Tucker, administrator of the estate of James H. Tucker, deceased, judgment creditor herein, or such judgment creditor's successor in interest, the controller is hereby authorized and directed to draw his warrant upon the treasurer in favor of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, or his assigns, for the amount of said judgment, to wit: the sum of one hundred and eighty-five dollars, and the treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Conditions  
of payment

SEC. 3. This act shall take effect and be in force from and after January 1st, 1905.

In effect.

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### CHAPTER CCCVIII.

*An act making an appropriation to pay the claim of A. W. Rapelye against the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of A. W. Rapelye against the State of California.

Appropriation to pay claim of A. W. Rapelye

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant in favor of said A. W. Rapelye for the said sum of three hundred dollars, and the state treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.



## CHAPTER CCCIX.

*An act entitled an act to appropriate the sum of \$211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guards of California during the month of July, 1894.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of B. A. Johnson

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and eleven dollars and sixty-one cents to pay the claim of B. A. Johnson for supplies furnished the National Guards of California during the month of July, eighteen hundred and ninety-four.

SEC. 2. The state controller is hereby directed to draw his warrant in favor of the said B. A. Johnson for the said sum of two hundred and eleven dollars and sixty-one cents, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCX.

*An act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the state controller to draw his warrant for the same, and the state treasurer to pay the same.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Robert Y. Hayne.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to pay the amount of a certain judgment against the State of California, and in favor of Robert Y. Hayne for five thousand dollars.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said Hayne for said sum of five thousand dollars; and the state treasurer is hereby authorized and directed to pay the same.

In effect

SEC. 3. This act shall take effect on January fourth, nineteen hundred and six.

## CHAPTER CCCXI.

*An act making an appropriation to pay the claim of Derlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the state board of examiners (the payment of which claim has been approved by said board in accordance with section 666 of the Political Code) in that certain action in the supreme court of the State of California, entitled: County of San Luis Obispo vs. Henry T. Gage, governor of the State of California, Charles F. Curry, secretary of state of the State of California, Tiley L. Ford, attorney-general of the State of California, Henry T. Gage, chairman of the board of examiners of the State of California, Charles F. Curry, member of the state board of examiners, Tiley L. Ford, member of the state board of examiners, Henry T. Gage, Charles F. Curry and Tiley L. Ford, constituting and composing the state board of examiners of the State of California, numbered Sacramento No. 1042, and also in that certain action commenced in the superior court of the State of California, in and for the county of Sacramento, and which was therein entitled: County of Butte vs. Henry T. Gage, governor of the State of California, Charles F. Curry, secretary of state of the State of California, Tiley L. Ford, attorney-general of the State of California, Henry T. Gage, chairman of the state board of examiners of the State of California, Charles F. Curry, member of the state board of examiners of the State of California, Tiley L. Ford, member of the state board of examiners of the State of California, Henry T. Gage, Charles F. Curry and Tiley L. Ford, constituting and composing the state board of examiners of the State of California, No. 9502, and also in those certain actions commenced in and decided by the superior court of the State of California, in and for the county of Sacramento, and which were therein entitled: W. L. Wood vs. State of California, No. 9555, W. L. Wood vs. State of California, No. 9622, Charles Bickerdike vs. State of California, No. 9608, National Bank of D. O. Mills & Co. vs. State of California, No. 9616, J. J. Bauer vs. State of California, No. 9804, C. A. Weaver vs. State of California, No. 9609, A. T. Lightner vs. State of California, No. 9613, Geo. Leonard vs. State of California, No. 9611, C. A. Pommer vs. State of California, No. 9610, L. C. Wait vs. State of California, No. 9612, W. S. Hooper vs. State of California, No. 9526, E. Weisbaum vs. State of California, No. 9615, J. F. Pryor vs. State of California, No. 9614, W. B. Waldron vs. State of California, No. 9617, San Francisco Law and Collection Co. vs. State of California, No. 9355, N. Weisbaum vs. State of California, No. 9616, San Francisco Law and Collection Co. vs. State of California, No. 9607, and also in that certain action in the superior court of the State of California, in and for the county of Sacramento, and which was therein entitled, Samuel Davis vs. State of California, No. 8869, and also in that certain action in the superior court of*

*the State of California, in and for the county of Sacramento, which was therein entitled: Samuel Davis vs. State of California, No. 6871.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Devlin & Devlin for legal services to board of examiners.

SECTION 1. The sum of eight thousand five hundred and twenty-four dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them, at the instance and request of the state board of examiners (the payment of which claim has been approved by said board in accordance with section 666 of the Political Code) in that certain action in the supreme court of the State of California, entitled: County of San Luis Obispo vs. Henry T. Gage, governor of the State of California, Charles F. Curry, secretary of state of the State of California, Tirey L. Ford attorney-general of the State of California, Henry T. Gage, chairman of the board of examiners of the State of California, Charles F. Curry, member of the state board of examiners, Tirey L. Ford, member of the state board of examiners, Henry T. Gage, Charles F. Curry and Tirey L. Ford, constituting and composing the state board of examiners of the State of California and numbered Sacramento No. 1042, the said action involving the validity of the claims of the said county of San Luis Obispo against the state for the support of orphans, half-orphans and indigent persons, and also in that certain action commenced in the superior court of the State of California, in and for the county of Sacramento, and which was therein entitled: County of Butte vs. Henry T. Gage, governor of the State of California, Charles F. Curry, secretary of state of the State of California, Tirey L. Ford, attorney-general of the State of California, Henry T. Gage, chairman of the state board of examiners of the State of California, Charles F. Curry, member of the state board of examiners of the State of California, Tirey L. Ford, member of the state board of examiners of the State of California, Henry T. Gage, Charles F. Curry and Tirey L. Ford, constituting and composing the state board of examiners of the State of California and numbered 9502, and involving a similar claim for the support of orphans, half-orphans and indigent persons on behalf of the said county of Butte, and also in those certain actions commenced in and decided by the superior court of the State of California in for the county of Sacramento, and which were therein entitled: W. L. Wood vs. State of California, No. 9555, W. L. Wood vs. State of California, No. 9622, Charles Bickerdike vs. State of California No. 9608, National Bank of D. O. Mills & Co. vs. State of California, No. 9616, J. J. Bauer vs. State of California, No. 9304, C. A. Weaver vs. State of California, No. 9609, A. T. Lightner vs. State of California, No. 9613, Geo. Leonard vs. State of Cali-

for California No. 9611, C. A. Pommer vs. State of California, No. 9610, L. C. Wait vs. State of California, No. 9612, W. S. Hooper vs. State of California, No. 9526, E. Weisbaum vs. State of California, No. 9615, J. F. Pryor vs. State of California, No. 9614, W. B. Waldron vs. State of California, No. 9617, San Francisco Law and Collection Co. vs. State of California, No. 9355, N. Weisbaum vs. State of California, No. 9616, San Francisco Law and Collection Co. vs. State of California, No. 9607, the said cases last mentioned involving the question of the validity of certain claims against the state known as the "coyote claims" and which actions were brought by the several claimants pursuant to an act of the legislature, entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901, and also in that certain action in the superior court of the State of California, in and for the county of Sacramento, which was therein entitled: Samuel Davis vs. State of California, No. 6869, brought to recover for bonds issued by the State of California, under an act of the legislature, entitled "An act authorizing the treasurer of the state to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity and Monterey expeditions against the Indians," approved May 2, 1852, and also in that certain action in the superior court of the State of California, in and for the county of Sacramento, which was therein entitled: Samuel Davis vs. State of California, No. 6871, brought to recover for coupons under an act of the legislature of the State of California, entitled: "An act authorizing the treasurer of the state to negotiate a loan upon the faith and credit of the state, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this state, in the absence of adequate provision being made by the general government," approved February 15, 1851.

Said Devlin & Devlin were employed by the said state board of examiners and the said claim has been approved by said state board of examiners pursuant to section 666 of the Political Code.

SEC. 2. The controller of the state is hereby directed to draw his warrant for the said sum of eight thousand five hundred and twenty-four dollars in favor of said Devlin & Devlin, and the treasurer of the state is hereby directed to pay the same.

SEC. 3. The claim of the said Devlin & Devlin is hereby exempted from the provisions of section 672 of the Political Code.

SEC. 4. This act shall take effect from and after January 1st, 1904. In effect.

## CHAPTER CCCXII.

*An act to provide for purchasing land for the state fish hatchery at Sisson, in Siskiyou county, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for improvements at state fish hatchery at Sisson.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be paid to the state board of fish commissioners as follows: For purchasing additional land for changes and improvements about the fish hatchery at Sisson; for constructing a duplicate flume system, additional ponds and other changes and improvements; and for constructing a dwelling house for the superintendent of said Sisson hatchery.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant for the said amount as the work shall progress, in favor of said board of fish commissioners, upon their requisition for the same, and the treasurer is hereby directed to pay such warrants.

SEC. 3. This act shall take effect July first, nineteen hundred and three.

## CHAPTER CCCXIII.

*An act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of F. Phillips.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one hundred and forty-two dollars and fifty cents to pay the claim of F. Phillips against the State of California, the said sum of one hundred and forty-two dollars and fifty cents being now due and owing to the said F. Phillips from the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of said F. Phillips for the sum of one hundred and forty-two dollars and fifty cents and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CCCXIV.

*An act to provide for the appointment of a board of Colton Hall trustees, and for the leasing of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

WHEREAS, The historic landmarks of California, so closely associated and identified with the state's early history, are rapidly disappearing; and

WHEREAS, Colton Hall at Monterey, one of the oldest and most valuable of these landmarks, in which building convened California's first constitutional convention, is greatly in need of extensive repairs; therefore, be it enacted that

SECTION 1. The governor shall appoint three trustees, to be known as the board of Colton Hall trustees, two of whom at least shall be residents of the city of Monterey, State of California; and the governor shall designate at the time of such appointment their respective terms of office in accordance with the following classification, viz.: two of them shall serve for two years, and one of said trustees shall serve for four years, from the time of his appointment. Their successors shall be appointed by the governor and shall hold their office for the term of four years and until their successors are appointed and qualified. The said trustees shall qualify by taking the usual oath of office.

SEC. 2. The said board of Colton Hall trustees are hereby authorized to accept from the city of Monterey, at a rental of not more than one dollar per year, a lease of not less than ten years of the site and grounds known as the Colton Hall property; the same during the term of said lease to be under the exclusive management and control of said board of Colton Hall trustees and the State of California as a state institution, and which said property is particularly described as that certain lot of land situated on the westerly side of Pacific street, in the city of Monterey, county of Monterey, State of California, bounded south by the lands of Mrs. C. Underwood, north by King street and Pinto lot, and west by Gordon street.

SEC. 3. The said board of Colton Hall trustees shall provide for the preservation, protection, and improvement of the said Colton Hall property in such way and manner as in their judgment may seem best and proper. Said board of trustees shall immediately upon their appointment organize by the election of a president, a secretary, and a treasurer from their number, which officers shall serve without compensation; and the president and secretary are hereby authorized when

Historic landmarks

Colton Hall trustees.

Term of office.

Trustees may accept lease of hall.

Shall preserve property.

Organization of board.

empowered by said board to do and perform all things pertaining to the duties of said board.

Appropriation.

SEC. 4. The sum of one thousand five hundred (\$1,500) dollars, five hundred (\$500) dollars of which shall be available for the purposes hereinabove set forth immediately after the passage of this act, and the remaining one thousand (\$1,000) dollars, in the fifty-fifth fiscal year, is hereby appropriated out of the general fund of the state treasury for the purpose of carrying out the provisions of section three of this act. The controller is hereby authorized to draw his warrant in favor of said board for the money herein made payable, and the treasurer is directed to pay the same.

SEC. 5. This act shall go into effect immediately.

## CHAPTER CCCXV.

*An act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in nineteen hundred and four. Also for preparing and printing literature relating to the state for distribution at said exposition, and providing a commission and expense of commission and attachés.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for exploiting state at Louisiana Purchase Exposition

SECTION 1. The sum of one hundred and thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of adequately exploiting California and its resources and progress at the Louisiana Purchase Exhibition to be held in St. Louis, Mo., in nineteen hundred and four.

When available.

SEC. 2. Of the sum herewith appropriated twenty-five thousand dollars shall be available immediately; thirty-five thousand dollars October 1st, 1903; seventy thousand dollars January 1st, 1904.

Appointment of commissioners.

SEC. 3. It is made the duty of the governor of California to appoint two commissioners to carry out the purposes of this act. One shall have had one year's residence in the northern half of the state and the other at least one year's residence in the southern half of the state. Both must have had experience in installing and managing exhibits at former expositions.

Duty of commissioners.

SEC. 4. It is made the duty of the commissioners appointed to collect, prepare, forward, install and maintain exhibits of the products of the resources and progress of this state at the Exposition at St. Louis and return or dispose of such exhibits

as directed by the governor; to build and maintain a California state building after the plans for such building shall have been approved by the governor; to remove such building at the close of such exposition; to prepare, print and distribute literature helpful to the state; at least thirty days before the close of the exposition to report to the governor what exhibits may be suitable for exhibition at the Lewis and Clarke Exposition to be held in Portland, Oregon, in 1905; to appoint such employes and heads of horticultural, agricultural, forestry, educational and promotion and publicity departments as in their judgment it is thought best; and to do everything necessary to carry out the provisions and purposes of this act in the fullest and broadest sense.

Lewis and  
Clarke Ex-  
position.

SEC. 5. The head of the mining department shall be the state mineralogist who is hereby directed to act under the direction of the commissioners in collecting, forwarding, and maintaining an adequate mineral exhibit at St. Louis Exposition. He shall have his personal actual expenses paid while outside the state the same as when traveling away from home in the state.

Head of  
mining de-  
partment.

SEC. 6. Each of said commissioners shall receive for his services \$250 per month from the time of his appointment and qualification as such commissioner until his services are discontinued by the governor and actual traveling expenses, not to exceed a total of \$2000 to each commissioner for his term of office. Each of said commissioners in qualifying must file with the secretary of state a bond approved by the governor for \$10,000 conditioned upon a faithful performance of each and all the duties imposed by this act and his oath.

Compensa-  
tion of  
commis-  
sioners.

SEC. 7. The commissioners shall appoint a secretary with the approval of the governor. Said secretary shall be allowed \$200 per month and actual traveling expenses not to exceed a total of \$1500.

Secretary.

SEC. 8. The commissioners must make a monthly report to the governor of California of all expenditures and receipts together with original vouchers for the same. If such expenditures are in accordance with the provisions of this act then the state board of examiners must approve the same and file them with the state controller. If not then said commissioners shall be liable upon their bonds for a misappropriation of public funds.

Monthly  
report.

SEC. 9. It shall be the duty of the public institutions of the State of California to assist the commission in every possible way, by loaning it such material in their possession as will add to the attractive features of the state exhibit.

Duty of  
public in-  
stitutions.

SEC. 10. This act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 11. This act shall take effect and be in force from and after its passage.



## CHAPTER CCCXVI.

*An act to appropriate the sum of \$432.03 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Edward Fanning.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four hundred and thirty-two and three one-hundredths (432.03) dollars to pay the claim of Edward Fanning. The said sum of four hundred and thirty-two and three one-hundredths (432.03) dollars being due and owing from the State of California to said Edward Fanning for paving, curbing and sidewalking the streets in front of the Toland Medical College in the city and county of San Francisco.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant in favor of said Edward Fanning for the sum of four hundred and thirty-two and three one-hundredths (432.03) dollars and the state treasurer is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCXVII.

*An act to appropriate the sum of \$2,218.50 to pay the claim of William Fahey, for moneys due and owing the said William Fahey from the State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Wm. Fahey

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand two hundred and eighteen and fifty hundredths dollars, to pay the claim of William Fahey against the State of California, the said sum of two thousand two hundred and eighteen and fifty hundredths dollars being now due and owing to the said William Fahey from the State of California.

SEC. 2. The state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of said William Fahey for the sum of two thousand two hundred and eighteen and fifty hundredths dollars, and the state treasurer said treasurer is hereby directed to pay the same.

SEC. 3. The claim of said William Fahey is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. This act shall take effect and be in force from and after July 1st, 1903. In effect.

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### CHAPTER CCCXVIII.

*An act to appropriate money to pay the claim of T. W. Spring Co. against the State of California, during the railroad strike of 1895.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of T. W. Spring Co. Appropriation to pay claim of T. W. Spring Co.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant on the state treasurer in favor of T. W. Spring Co. for said sum of one hundred dollars, and the treasurer of state is hereby authorized and directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage. In effect.

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### CHAPTER CCCXIX.

*An act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-five hundred dollars, or so much thereof as may be necessary, for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children. Appropriation for pumping plant, Home for Feeble-Minded Children.

SEC. 2. The controller of state is hereby authorized to draw his warrant for the sum or sums herein appropriated, and the treasurer of state is hereby directed to pay the same.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCXX.

*An act to pay the claim of Louis Shuckman, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Louis Shuckman

SECTION 1. The sum of three hundred dollars (\$300) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of Louis Shuckman.

SEC. 2. The controller of the state is hereby authorized to draw his warrant for said sum in favor of Louis Shuckman, or his assigns, and the state treasurer is directed to pay the same, and the direction herein is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

In effect. SEC. 3. This act shall take effect January first, nineteen hundred and four.

## CHAPTER CCCXXI.

*An act making an appropriation for traveling expenses of the attorney-general for the remainder of the fifty-fourth fiscal year.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for traveling expenses, attorney-general.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for traveling expenses of the attorney-general for the remainder of the fifty-fourth fiscal year.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCXXII.

*An act to pay the claim of James T. Boyd.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of James T. Boyd.

SECTION 1. The sum of five hundred (\$500.00) dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of James T. Boyd.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of James T. Boyd in the sum of five hundred (\$500.00) dollars and the state treasurer is hereby directed to pay the same, and this appropriation is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This act shall take effect immediately.

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### CHAPTER CCCXXIII.

*An act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the county of El Dorado, State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of eight hundred ninety-two dollars and twenty-six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the county of El Dorado, State of California, which claim has been approved by the state board of examiners.

Appropriation to pay claim of Clark & Henery.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable to said Clark & Henery, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect and be in force from and after January first, A. D. nineteen hundred and four.

In effect.

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### CHAPTER CCCXXIV.

*An act to appropriate six thousand seven hundred and twenty-five dollars to pay the judgment against the state to recover in cause numbered 1311, superior court of Modoc county, in an action entitled, "Benjamin Lauer vs. The State of California."*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of six thousand seven hundred and twenty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Benjamin Lauer against the State of California, upon a judgment recovered in an action entitled, "Benjamin Lauer vs. The State of California," said action being numbered one

Appropriation to pay judgment of Benjamin Lauer.

When  
payable.

Conditions  
of payment

thousand three hundred and eleven, upon the register of the superior court of Modoc county, and recorded in Book of Judgments number 3, page 295, filed February 14, 1902; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Sec. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of Benjamin Lauer for the sum of six thousand seven hundred and twenty-five dollars and the state treasurer is hereby authorized and directed to pay the same.

Sec. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

Sec. 4. This act shall take effect immediately.

#### CHAPTER CCCXXV.

*An act making an appropriation to pay the judgment of \$370 obtained in the superior court of the State of California, in and for the county of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6th, 1902, in Judgment Book "3," page 501, of said superior court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Joseph Quirolo.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three hundred seventy dollars, or so much thereof as the state controller shall find necessary to pay the amount due upon the judgment of the superior court of the State of California, in and for the county of Amador, numbered one thousand eight hundred and twenty-seven, whereby it is adjudged and decreed that Joseph Quirolo, plaintiff, do have and recover of the State of California, defendant, the sum of three hundred seventy dollars, which judgment bears date December 6th, nineteen hundred and two, was filed in the office of the county clerk of the county of Amador, on the 6th day of December, nineteen hundred and two, and was entered of record in said county clerk's office, December 6th, nineteen hundred and two, in Judgment Book "3," page five hundred and one; *provided,*

however, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there is no appeal pending therefrom. When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof the controller is hereby authorized and directed to draw his warrant on the state treasurer for the sum of three hundred seventy dollars, or so much thereof as he may find necessary to pay the judgment of five hundred seventy dollars, when Joseph Quirolo, plaintiff, shall present to him a properly executed satisfaction of said judgment, and the said Joseph Quirolo shall execute and deliver to him a good and sufficient release of all claims and demands in full in connection with said judgment. The controller is hereby directed to file said satisfaction of judgment in the office of the county clerk of said Amador county, and cause said judgment to be satisfied and discharged of record. Conditions of payment

SEC. 3. The treasurer of the State of California is hereby authorized and directed to pay the warrant of the controller hereby authorized.

SEC. 4. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 5. This act shall take effect immediately.

## CHAPTER CCCXXVI.

*An act to appropriate the sum of two hundred and ninety dollars to pay the claim of George Conway, for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the superior court of Merced county, California, on the 25th day of November, 1902, under the provisions of an act of the legislature of the State of California entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing the bounty on coyote scalps,' approved March 31, 1891" and regulating the procedure therein," approved March 23, 1901.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of two hundred and ninety dollars, to pay the claim of George Conway, the said sum now due and owing the said George Conway from the State of California, upon a judgment recovered by Appropriation to pay claim of George Conway.

the said George Conway against the State of California, on the 25th day of November, 1902, in the superior court of Merced county, California, under the provisions of an act of the legislature of the State of California, entitled "An act authorizing suit against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of the said George Conway for the said sum of two hundred and ninety dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXXVII.

*An act to appropriate the sum of one thousand dollars to pay the claim of M. Zirker for money due and owing the said M. Zirker based upon a judgment recovered by the said M. Zirker against the State of California in the superior court of Merced county, California, on the 25th day of November A. D. 1902, under the provisions of an act of the legislature of the State of California entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March 31st, 1891, "and regulating the procedure therein," approved March 23, 1901.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of M. Zirker

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars, to pay the claim of M. Zirker, the said sum being now due and owing the said M. Zirker from the State of California, upon a judgment recovered by the said M. Zirker against the State of California, on the 25th day of

November 1902 in the superior court of Merced county, California, under the provisions of an act of the legislature of the State of California, entitled "An act authorizing suit against the state on claims or demands arising under an act of the legislature, entitled 'An act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of the said M. Zirker for the said sum of one thousand dollars and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

#### CHAPTER CCCXXVIII.

*An act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the superior court of the county of San Diego, State of California, on April 24th, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in judgment book No. 19 of department two of said superior court at page 391.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirteen hundred and twenty dollars, to pay the amount due upon a judgment of the superior court of the county of San Diego, State of California, rendered in and by said superior court in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered eleven thousand eight hundred and twenty-eight, whereby it is adjudged and decreed by said court, that the Bank of Commerce, a corporation, plaintiff, do have and recover of and from the State of California, defendant, the sum

Appropriation to pay judgment of Bank of Commerce



of thirteen hundred and twenty dollars, which judgment was rendered and dated on April twenty-fourth, nineteen hundred and two, was filed in the office of the county clerk of said county of San Diego on April twenty-fourth, nineteen hundred and two, and was entered and recorded in said county clerk's office on May second, nineteen hundred and two, in judgment book nineteen of department two of said superior court, at page three hundred and ninety-one; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

When  
payable.

Conditions  
of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of Bank of Commerce for the sum of thirteen hundred and twenty dollars, to pay the judgment described in section one hereof, when the said Bank of Commerce shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the county of San Diego, State of California, and cause said judgment to be satisfied and discharged of record; and the state treasurer is hereby authorized and directed to pay said warrant.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code, in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

#### CHAPTER CCCXXIX.

*An act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the superior court of San Benito county, November 30, 1901, for and on account of claims for bounty on coyote scalps.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of R. Shaw.

SECTION 1. The sum of three thousand seven hundred and thirty dollars (\$3,730.00) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the judgment recovered by R. Shaw against the state, November thirtieth, nineteen hundred and one, in the action in the superior court of San Benito county, wherein said R. Shaw was plaintiff and the State of California, defendant; which action was brought and prosecuted to final judgment under the authority conferred by an act of the legislature entitled "An

act authorizing suits against the state on claims and demands, arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps,' approved March thirty-first, eighteen hundred and ninety-one, and regulating the procedure therein," approved March twenty-third, nineteen hundred and one; and the said judgment therein, was for the amount actually found due to the plaintiff, without interest or costs; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn and the said judgment shall be standing, not reversed or vacated, and there be no appeal pending therefrom.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby directed to draw his warrant upon the state treasurer in favor of said R. Shaw for the said amount of said judgment, and the state treasurer is directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby exempted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

#### CHAPTER CCCXXX.

*An act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in judgment book No. 19 of department one of said superior court, at page 392.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifty-eight hundred and eighty dollars, to pay the amount due upon a judgment of the superior court of the county of San Diego, State of California, rendered in and by said superior court in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered eleven thousand eight hundred and seventy-three, whereby it is adjudged and decreed by said court that the Hakes Investment Company, a corporation, plaintiff, do

Appropriation to pay judgment of Hakes Investment Company.

When payable. have and recover of and from the State of California, defendant, the sum of fifty-eight hundred and eighty dollars, which judgment was rendered and dated on April twenty-fourth, nineteen hundred and two, was filed in the office of the county clerk of said county of San Diego on April twenty-fifth, nineteen hundred and two, and was entered and recorded in said county clerk's office on May second, nineteen hundred and two, in judgment book numbered nineteen, of department one of said superior court, at page three hundred and ninety-two; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Conditions of payment SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of Hakes Investment Company for the sum of fifty-eight hundred and eighty dollars, to pay the judgment described in section one hereof, when the said Hakes Investment Company shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the county of San Diego, State of California, and cause said judgment to be satisfied and discharged of record; and the state treasurer is hereby authorized and directed to pay said warrant.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

#### CHAPTER CCCXXXI.

*An act making an appropriation to pay a judgment for the sum of eighty-six hundred and fifty-five dollars, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in judgment book No. 19 of department one of said superior court, at page 393.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of W. R. Guy. SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eighty-six hundred and fifty-five dollars to pay the amount due

upon a judgment of the superior court of the county of San Diego, State of California, rendered in and by said superior court in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered eleven thousand eight hundred and seventy-five, whereby it is adjudged and decreed by said court that W. R. Guy, plaintiff, do have and recover of and from the State of California, defendant, the sum of eighty-six hundred and fifty-five dollars, which judgment was rendered and dated on April twenty-fourth, nineteen hundred and two, was filed in the office of the county clerk of said county of San Diego on April twenty-fifth, nineteen hundred and two, and was entered and recorded in said county clerk's office on May second, nineteen hundred and two, in judgment book numbered nineteen of department one of said superior court, at page three hundred and ninety-three; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

When  
payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of W. R. Guy for the sum of eighty-six hundred and fifty-five dollars, to pay the judgment described in section one hereof, when the said W. R. Guy shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the county of San Diego, State of California, and cause said judgment to be satisfied and discharged of record; and the state treasurer is hereby authorized and directed to pay said warrant.

Conditions  
of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code, in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXXXII.

*An act making an appropriation to pay a judgment for the sum of thirty-one hundred and ninety-five dollars, rendered in and by the superior court of the county of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in judgment book No. 20, of department one of said superior court, at page 221.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of M. D. Corey.

When payable.

Conditions of payment

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-one hundred and ninety-five dollars, to pay the amount due upon a judgment of the superior court of the county of San Diego, State of California, rendered in and by said superior court in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered eleven thousand eight hundred and seventy-four, whereby it is adjudged and decreed by said court that M. D. Corey, plaintiff, do have and recover of and from the State of California, defendant, the sum of thirty-one hundred and ninety-five dollars, which judgment was rendered and dated on April twenty-fourth, nineteen hundred and two, was filed in the office of the county clerk of said county of San Diego on April twenty-fifth, nineteen hundred and two, and was entered and recorded in said county clerk's office on May ninth, nineteen hundred and two, in judgment book numbered twenty, of department one of said superior court, at page two hundred and twenty-one; *provided however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the state controller is hereby authorized and directed to draw his warrant on the state treasurer in favor of M. D. Corey for the sum of thirty-one hundred and ninety-five dollars to pay the judgment described in section one hereof, when the said M. D. Corey shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the county of San Diego, State of California, and cause said judgment to be satisfied and discharged of record; and the state treasurer is hereby authorized and directed to pay said warrant.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

### CHAPTER CCCXXXIII.

*An act to appropriate two thousand three hundred and eighty-five dollars to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered nine thousand five hundred and fifty-five upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two thousand three hundred and eighty-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered nine thousand five hundred and fifty-five upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of W. L. Wood.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said W. L. Wood for the said sum of two thousand three hundred and eighty-five dollars and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXXXIV.

*An act to appropriate forty-five dollars to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered nine thousand six hundred and twenty-two upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of W. L. Wood.

When payable.

Conditions of payment

SECTION 1. The sum of forty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered nine thousand six hundred and twenty-two upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said W. L. Wood for the said sum of forty-five dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXXXV.

*An act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the superior court of the State of California, in and for the county of Sacramento, on the sixth day of December, 1902, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of forty-six thousand nine hundred and eighty dollars (\$46,980.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the claim of the National Bank of D. O. Mills & Co., a corporation, arising upon a judgment heretofore recovered by the said the National Bank of D. O. Mills & Co., a corporation, against the State of California, in the superior court of the State of California, in and for the county of Sacramento, on the sixth day of December, nineteen hundred and two, and recorded in volume ten of judgments of the said county of Sacramento, at page two hundred and thirty-six; *provided however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of National Bank of D. O. Mills & Co.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the controller is hereby authorized and directed to draw his warrant upon the treasurer in favor of the National Bank of D. O. Mills & Co., a corporation, for the amount of said judgment, to wit: the sum of forty-six thousand nine hundred and eighty dollars (\$46,980.00), and the treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Conditions of payment

SEC. 3. This act shall take effect immediately.



## CHAPTER CCCXXXVI.

*An act to appropriate five hundred dollars to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered four thousand and twenty upon the register of the superior court of the county of Butte.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Charles Williams.

When payable.

Conditions of payment

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered four thousand and twenty upon the register of the superior court of the county of Butte; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Charles Williams for the said sum of five hundred dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXXXVII.

*An act to appropriate twenty-three hundred and sixty-five dollars to pay the claim of the Farmers Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled the Farmers Exchange Bank of San Bernardino vs. The State of California on the 25th day of April, nineteen hundred and two, in the superior court of the State of California in and for the county of San Bernardino.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-three hundred and sixty-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the Farmers Exchange Bank against the State of California upon a judgment recovered in an action entitled "Farmers Exchange Bank vs. The State of California," on the twenty-fifth day of April, nineteen hundred and two, in the superior court of the State of California in and for the county of San Bernardino; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of Farmers Exchange Bank.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Farmers Exchange Bank of San Bernardino for the sum of twenty-three hundred and sixty-five dollars, and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXXXVIII.

*An act making an appropriation to pay the judgment of \$1,125 rendered in and by the superior court of the State of California, in and for the county of Calaveras, on the 4th day of December, 1902, in an action in said court, entitled John Raggio, plaintiff, versus The State of California, defendant, and which judgment was entered of record on Dec. 4th, 1902, in said superior court, in judgment book No. "3" of judgments of the superior court of Calaveras county, page 333.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of John Raggio.

When payable.

Conditions of payment

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eleven hundred and twenty-five dollars, or so much thereof, as the state controller shall find necessary to pay the amount due upon the judgment of the superior court of the State of California, in and for the county of Calaveras, whereby it was adjudged and decreed that John Raggio, plaintiff, do have and recover of the State of California, defendant, the sum of eleven hundred and twenty-five dollars, which judgment bears date December 4th, 1902, and was filed in the office of the county clerk of the county of Calaveras, on the 4th day of December, 1902, and was entered of record in said county clerk's office, December 4th, 1902, in book No. "3" of judgments of the superior court of Calaveras county, page 333; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Sec. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the controller is hereby authorized and directed to draw his warrant on the state treasurer for the sum of eleven hundred and twenty-five dollars, or so much thereof as he may find necessary to pay the judgment of eleven hundred and twenty-five dollars, when John Raggio, plaintiff, shall present to him a properly executed satisfaction of said judgment, and the said John Raggio shall execute and deliver to him a good and sufficient release of all claims and demands in full connection with said judgment. The controller is hereby directed to file said satisfaction of judgment in the office of the county clerk of said Calaveras county, and cause said judgment to be satisfied and discharged of record.

Sec. 3. The treasurer of the State of California is hereby authorized and directed to pay the warrant of the controller hereby authorized.

SEC. 4. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 5. This act shall take effect immediately.

### CHAPTER CCCXXXIX.

*An act to appropriate fifty-nine thousand six hundred and eighty dollars to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of fifty-nine thousand six hundred and eighty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Charles Bickerdike against the State of California, upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered nine thousand six hundred and eight upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn and the said judgment shall be standing, not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of Charles Bickerdike

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Charles Bickerdike for the said sum of fifty-nine thousand six hundred and eighty dollars, and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXL.

*An act to appropriate fourteen thousand three hundred and twenty dollars to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984, upon the register of the superior court of Tulare county.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Producers' Bank.

When payable.

Conditions of payment.

SECTION 1. The sum of fourteen thousand three hundred and twenty dollars is hereby appropriated to pay the judgment of the Producers' Bank against the State of California, entered in the superior court of the county of Tulare on the 30th day of December, 1902, and numbered 4984 upon the register of the superior court of the county of Tulare; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant upon the state treasurer in favor of the Producers' Bank for said sum, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXLI.

*An act making an appropriation to pay the judgment of \$550 obtained in the superior court of the State of California, in and for the county of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered on record on December 15th, 1902, in judgment book "3," page 507, of said superior court, now held by William Going, plaintiff, vs. The State of California, defendant.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five hundred fifty dollars, or so much thereof as the state controller shall find necessary to pay the amount due upon the judgment of the superior court of the State of California, in and for the county of Amador, numbered one thousand eight hundred and twenty-eight, whereby it is adjudged and decreed that William Going, plaintiff, do have and recover of the State of California, defendant, the sum of five hundred fifty dollars, which judgment bears date December fifteenth, nineteen hundred and two, was filed in the office of the county clerk of the county of Amador, on the fifteenth day of December, nineteen hundred and two, and was entered of record in said county clerk's office, December fifteenth, nineteen hundred and two, in judgment book "3," page five hundred and seven; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

Appropriation to pay judgment of William Going.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the controller is hereby authorized and directed to draw his warrant on the state treasurer for the sum of five hundred fifty dollars, or so much thereof as he may find necessary to pay the judgment of five hundred fifty dollars, when William Going, plaintiff, shall present to him a properly executed satisfaction of said judgment, and the said William Going shall execute and deliver to him a good and sufficient release of all claims and demands in full in connection with said judgment. The controller is hereby directed to file said satisfaction of judgment in the office of the county clerk of said Amador county, and cause said judgment to be satisfied and discharged of record.

Conditions of payment

SEC. 3. The treasurer of the State of California is hereby authorized and directed to pay the warrant of the controller hereby authorized.

SEC. 4. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 5. This act shall take effect immediately.

## CHAPTER CCCXLII.

*An act making an appropriation to pay a judgment for the sum of six thousand, eight hundred and eighty dollars, rendered in and by the superior court of the county of Fresno, State of California, on January 9th, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10th, 1903, in judgment book No. 16, of department two of said superior court, at page 29.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Eli Henderson.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of six thousand, eight hundred and eighty dollars, to pay the amount due upon a judgment of the superior court of the county of Fresno, State of California, rendered in and by said superior court, in an action entitled "Eli Henderson, plaintiff, versus the State of California, defendant," numbered 9675, whereby it is adjudged and decreed by said court that Eli Henderson, plaintiff, do have and recover of and from the State of California, defendant, the sum of six thousand, eight hundred and eighty dollars, which judgment was rendered and dated on the 9th day of January, 1903, and was filed in the office of the county clerk of said county of Fresno, State of California, on January 10th, 1903, and was entered and recorded in said county clerk's office, on January 10th, 1903, in judgment book No. 16, of department two, at page 29; *provided however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the state controller is hereby authorized and directed to draw his warrant on the state treasury in favor of Eli Henderson, for the sum of six thousand, eight hundred and eighty dollars, to pay the judgment described in section one hereof, when said Eli Henderson shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the county of

Fresno, State of California, and cause such judgment to be satisfied and discharged of record; and the state treasurer is hereby directed to pay said warrant.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

### CHAPTER CCCXLIII.

*An act to appropriate the sum of five hundred and fifty dollars to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled, "M. A. Forster vs. The State of California," in the superior court of the county of Orange.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of M. A. Forster against the State of California, upon a judgment recovered in an action entitled, "M. A. Forster vs. The State of California," in the superior court of the State of California, in and for the county of Orange; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of M. A. Forster.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant upon the state treasurer in favor of the said M. A. Forster for the sum of five hundred and fifty dollars and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.



## CHAPTER CCCXLIV.

*An act to appropriate three thousand six hundred and seventy dollars to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled, "Commercial Bank of Madera (a corporation) vs. The State of California," numbered 9676 upon the register of the superior court of the county of Fresno, State of California.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Commercial Bank of Madera.

When payable.

Conditions of payment

SECTION 1. The sum of three thousand six hundred and seventy (\$3,670) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled, "Commercial Bank of Madera (a corporation) vs. The State of California," numbered nine thousand six hundred and seventy-six (9676) upon the register of the superior court of the county of Fresno, State of California; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Commercial Bank of Madera, a corporation, for the said sum of three thousand six hundred and seventy (\$3,670) dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code, in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXLV.

*An act to appropriate three hundred and fifty-five dollars to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1st, 1902, and recorded on said date in judgment book "I" at page 570, in the superior court of the county of Placer.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three hundred and fifty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1st, 1902, and recorded on said date, in judgment book "I," at page 570, in the superior court of the county of Placer; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

Appropriation to pay judgment of James French.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said James French for the sum of three hundred and fifty-five dollars, and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXLVI.

*An act to appropriate the sum of one hundred and forty dollars to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California in the superior court of Orange county, California, on the 21st day of April, 1902, under the provisions of an act of the legislature of the State of California entitled "An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled 'An act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein," approved March 23, 1901.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of R. P. Marquez.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred and forty dollars, to pay the claim of R. P. Marquez, the said sum now due and owing the said R. P. Marquez from the State of California, upon a judgment recovered by the said R. P. Marquez against the State of California, on the 21st day of April, 1902, in the superior court of Orange county, California, under the provisions of an act of the legislature of the State of California, entitled, "An act authorizing suit against the state on claims or demands arising under an act of the legislature entitled, 'An act fixing a bounty on coyote scalps' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of the said R. P. Marquez for the said sum of one hundred and forty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCXLVII.

*An act authorizing the payment of a judgment in favor of Maggie L. Boyd as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the superior court of the State of California, in and for the county of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one hundred and ninety dollars (\$190.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the claim of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, arising upon a judgment heretofore recovered by said Maggie L. Boyd, as administratrix of the estate of said John D. Boyd, deceased, against the State of California, in the superior court of the State of California, in and for the county of Fresno, on the sixth day of January, nineteen hundred and three, and recorded in volume sixteen of judgments of the said county of Fresno, at page twenty-seven; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing, not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of Maggie L. Boyd.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the controller is hereby authorized and directed to draw his warrant upon the treasurer in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, for the amount of said judgment, to wit: the sum of one hundred and ninety (\$190.00) dollars, and the treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Conditions of payment

SEC. 3. This act shall take effect from and after its passage.

## CHAPTER CCCXLVIII.

*An act making an appropriation to pay the judgment against the State of California, recovered by Oscar R. Brown, in the superior court of Mono county, September 20th, 1902, for and on account of claims for bounty on coyote scalps.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Oscar R. Brown.

SECTION 1. The sum of one thousand and thirty-five dollars (\$1035) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the judgment recovered by Oscar R. Brown against the state, September 20th, 1902, in the action in the superior court of Mono county, wherein said Oscar R. Brown was the plaintiff and the State California, defendant; which action was brought and prosecuted to final judgment under the authority conferred by an act of the legislature entitled "An act authorizing suits against the state on claims and demands, arising under an act of the legislature entitled 'An act fixing a bounty on coyote scalps' approved March thirty-first, eighteen hundred and ninety-one, and regulating the procedure therein," approved March twenty-third, nineteen hundred and one; and the said judgment wherein was for the amount actually found due to the plaintiff, without interest or costs; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Oscar R. Brown for the said amount of said judgment, and the state treasurer is directed to pay the same, and the authorization and direction herein contained are hereby excepted from the operation of the provisions of section six hundred and seventy-two of the Political Code of this state.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCXLIX.

*An act to appropriate two thousand four hundred dollars to pay the judgment against the state to recover in cause numbered 1328, superior court of Modoc county, in an action entitled "James T. Laird vs. The State of California."*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of two thousand four hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of James T. Laird against the State of California, upon a judgment recovered in an action entitled, "James T. Laird vs. The State of California," said action being numbered one thousand three hundred and twenty-eight upon the register of the superior court of Modoc county, and recorded in book of judgments number 3 at page 296, filed February 15, 1902; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of James T. Laird.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of James T. Laird, for the sum of two thousand four hundred dollars and the state treasurer is hereby authorized and directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCL.

*An act making an appropriation to pay a judgment for the sum of \$600.00, rendered in and by the superior court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in judgment book No. 67 of department eight of said superior court, at page 575.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of Julia H. Jones.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six hundred dollars, to pay the amount due upon a judgment of the superior court of the City and County of San Francisco, State of California, rendered in and by said superior court in an action entitled Julia H. Jones, plaintiff, versus the State of California, defendant, numbered seventy-nine thousand nine hundred and forty, whereby, it is adjudged and decreed by said court that Julia H. Jones, plaintiff, do have and recover of and from the State of California, defendant, the sum of six hundred dollars, which judgment was rendered and dated on April eighth, nineteen hundred and two, was filed in the office of the county clerk of said City and County of San Francisco, on April eighth, nineteen hundred and two, and was entered and recorded in said county clerk's office on April nineteenth, nineteen hundred and two, in judgment book numbered sixty-seven, of department eight of said superior court, at page five hundred and seventy-five; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time warrant is drawn the said judgment shall be standing not reversed or vacated, or there be no appeal pending therefrom.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof the state controller is hereby authorized and directed to draw his warrant on the state treasury in favor of Julia H. Jones for the sum of six hundred dollars, to pay the judgment described in section one hereof, when the said Julia H. Jones shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the City and County of San Francisco, State of California, and cause said judgment to be satisfied and discharged of record; and the state treasurer is hereby authorized and directed to pay said warrant.

SEC. 3. This act shall take effect immediately, and is hereby excepted from the provisions of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

## CHAPTER CCCLI.

*An act making an appropriation to pay a judgment for the sum of three thousand, eight hundred and forty dollars, rendered in and by the superior court of the county of Fresno, State of California, on January 6th, 1903, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9th, 1903, in judgment book No. 16, of department two of said superior court, at pages 28 and 29.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of three thousand, eight hundred and forty dollars, to pay the amount due upon a judgment of the superior court of the county of Fresno, State of California, rendered in and by said superior court, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, whereby it is adjudged and decreed by said court that G. W. Dowda, plaintiff, do have and recover of and from the State of California, the sum of three thousand, eight hundred and forty dollars, which judgment was rendered and dated on the 6th day of January, 1903, and was filed in the office of the county clerk of said county of Fresno, State of California, on January 9th, 1903, and was entered and recorded in said county clerk's office on January 9th, 1903, in judgment book number 16, of department 2, at pages 28 and 29; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of G. W. Dowda.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, the state controller is hereby authorized and directed to draw his warrant on the state treasury in favor of G. W. Dowda for the sum of three thousand, eight hundred and forty dollars to pay the judgment described in section one hereof, when said G. W. Dowda shall present to him a properly executed satisfaction of said judgment, which satisfaction said state controller is hereby directed to file in the office of the county clerk of the county of Fresno, State of California, and cause such judgment to be satisfied and discharged of record; and the state treasurer is hereby directed to pay said warrant.

Conditions of payment

SEC. 3. This act is hereby excepted from the operation of the provisions of section six hundred and seventy-two of the Political Code relating to the board of examiners.

SEC. 4. This act shall take effect immediately.



## CHAPTER CCCLII.

*An act making an appropriation to pay the judgment of \$465 obtained in the superior court of the State of California, in and for the county of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in judgment book "K," page 131, of said superior court, now held by George Hornage, plaintiff, vs. The State of California, defendant.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of George Hornage.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four hundred sixty-five dollars, or so much thereof as the state controller shall find necessary to pay the amount due upon the judgment of the superior court of the State of California, in and for the county of San Joaquin, numbered seven thousand eight hundred and eighty-one, whereby it is adjudged and decreed that George Hornage, plaintiff, do have and recover of the State of California, defendant, the sum of four hundred sixty-five dollars, which judgment bears date September twentieth, nineteen hundred and two, was filed in the office of the county clerk of the county of San Joaquin, on the \_\_\_\_\_ day of October, nineteen hundred and two, and was entered of record in said county clerk's office, October sixth, nineteen hundred and two, in judgment book "K," page one hundred thirty-one; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn said judgment shall be standing not reversed or vacated and with no appeal therefrom pending.

When payable.

Conditions of payment

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof the controller is hereby authorized and directed to draw his warrant on the state treasurer for the sum of four hundred sixty-five dollars, or so much thereof as he may find necessary to pay the judgment of four hundred sixty-five dollars, when George Hornage, plaintiff, shall present to him a properly executed satisfaction of said judgment, and the said George Hornage shall execute and deliver to him a good and sufficient release of all claims and demands in full in connection with said judgment. The controller is hereby directed to file said satisfaction of judgment in the office of the county clerk of said San Joaquin county, and cause said judgment to be satisfied and discharged of record.

SEC. 3. The treasurer of the State of California is hereby authorized and directed to pay the warrant of the controller

hereby authorized. And the authorization and direction contained in sections two and three of this act are hereby exempted from the operation of the provisions of sections six hundred and seventy-two of the Political Code of this state.

SEC. 4. This act shall take effect immediately.

### CHAPTER CCCLIII.

*An act to appropriate four thousand eight hundred and ten dollars to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four thousand eight hundred and ten dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered nine thousand six hundred and thirteen upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, 1905, nor unless at the time such warrant is drawn the said judgment shall be standing, not reversed or vacated and there be no appeal pending therefrom.

Appropriation to pay judgment of A. T. Lightner.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said A. T. Lightner for the sum of forty-eight hundred and ten dollars, and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCLIV.

*An act to appropriate four thousand four hundred and fifty dollars to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered nine thousand five hundred and twenty-six upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of W. S. Hooper.

When payable.

Conditions of payment

SECTION 1. The sum of four thousand four hundred and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered nine thousand five hundred and twenty-six upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn and the said judgment shall be standing, not reversed or vacated, and there be no appeal pending therefrom.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one thereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said W. S. Hooper for the said sum of four thousand four hundred and fifty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCLV.

*An act to appropriate four hundred and sixty dollars to pay the claim of Charles A. Palmer vs. The State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four hundred and sixty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered nine thousand six hundred and ten upon the register of the superior court of the county of Sacramento; *provided, however*, that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn and the said judgment shall be standing, not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of Charles A. Palmer.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said Charles A. Palmer for the said sum of four hundred and sixty dollars, and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCLVI.

*An act to appropriate one thousand and forty dollars to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay judgment of George Leonard.

When payable.

Conditions of payment

SECTION 1. The sum of one thousand and forty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered nine thousand six hundred and eleven upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated and there be no appeal pending therefrom.

SEC. 2. Under the condition and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said George Leonard for the said sum of one thousand and forty dollars, and the state treasurer is hereby directed to pay the same.

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCLVII.

*An act to appropriate \$3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the superior court of the county of Sacramento.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three thousand eight hundred and thirty-five dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered nine thousand six hundred and seventeen upon the register of the superior court of the county of Sacramento; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be no appeal pending therefrom.

Appropriation to pay judgment of W. B. Waldron.

When payable.

SEC. 2. Under the conditions and after the date and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment properly executed by the judgment creditor herein, or such creditor's successor in interest, the state controller is hereby authorized and directed to draw his warrant in favor of said W. B. Waldron for the said sum of three thousand eight hundred and thirty-five dollars, and the state treasurer is hereby directed to pay the same.

Conditions of payment

SEC. 3. This act is hereby excepted from the provision of section six hundred and seventy-two of the Political Code in relation to the board of examiners.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCLVIII.

*An act authorizing the commissioner of public works to obtain a right of way for a canal to divert the waters of Mormon channel into the Calaveras river, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Right of way for diverting canal from Mormon channel.

SECTION 1. The commissioner of public works is hereby authorized to obtain, either by purchase or condemnation suits, a right of way for a diverting canal from the Mormon channel to the Calaveras river east of the city of Stockton, in San Joaquin county, and along the channel of said Calaveras river as far as may be necessary according to the surveys for such canal, adopted by the United States government, and to employ such counsel and other assistance as may be necessary to conduct such suits and obtain said right of way and to fix the compensation of such counsel and such assistance.

Appropriation.

SEC. 2. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for said right of way and the costs of obtaining the same, to be paid to the auditing board to the commissioner of public works, to be expended for the purposes in this act specified.

SEC. 3. The controller is hereby directed to draw his warrant in favor of said auditing board for the amount appropriated by this act, and the treasurer is hereby directed to pay the same.

In effect.

SEC. 4. This act shall take effect from and after the first day of January, A. D. nineteen hundred and four.

## CHAPTER CCCLIX.

*An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Premiums on official bonds a public charge.

SECTION 1. The premium or charge for bonds given by surety companies for state officials, county officials, city officials, or city and county officials, shall be paid by the state, county, city, or city and county respectively; *provided, however, that*

no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond; and *provided further*, that this act shall not apply to notaries public.

SEC. 2. This act shall take effect from and after its passage.

## CHAPTER CCCLX.

*An act relating to the justices' courts in cities and counties of more than two hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The supervisors in every city and county of more than two hundred thousand population shall appoint a justices' clerk upon the written nomination and recommendation of the justices of the peace of said city and county or a majority of them, who shall hold office for four years and until his successor is in like manner appointed and qualified.

Appoint-  
ment of  
justices'  
clerk.

SEC. 2. Said justices' clerk shall take the constitutional oath of office, and give bond in the sum of ten thousand dollars for the faithful discharge of the duties of his office, and in the same manner as is or may be required of other officers of such city and county. A new or additional bond may be required by the supervisors of such city and county, whenever they may deem it necessary.

Oath of  
office and  
bond.

SEC. 3. The justices' clerk shall have authority to appoint one cashier, one chief deputy clerk, two deputy clerks and one messenger, for whose acts he shall be responsible on his official bond. The said appointees to hold office during the pleasure of said justices' clerk.

Appoint-  
ment of  
assistants.

SEC. 4. Said chief deputy clerk and said deputy clerks shall have authority to administer oaths, and take and certify affidavits in any action, suit or proceeding in the justices' courts in such city and county and generally to perform all acts which the justices' clerk himself might perform.

Authority  
of assist-  
ants.

SEC. 5. Said justices' clerk and his appointees shall receive for their official services the following salaries and no other or further compensation, payable out of the treasury of such city and county, after being allowed and audited as other similar demands are required by law to be allowed and audited: The said justices' clerk the sum of three thousand dollars per annum; the cashier and the chief deputy clerk each the sum of eighteen hundred dollars per annum; the deputy clerks fifteen hundred dollars per annum each; and the messenger twelve hundred dollars per annum.

Salaries.



Office  
hours.

SEC. 6. The said justices, justices' clerk and his said appointees shall be in attendance at their respective offices for the dispatch of official business, daily, except Sundays and holidays, from the hour of nine o'clock A. M. until five o'clock P. M.

Duty of  
justices'  
clerk.

SEC. 7. In all actions, suits, and proceedings commenced in the justices' court in such city and county, or before any of the justices of the peace thereof, the original process shall be returnable, and the parties summoned required to appear before one of the justices of the peace, to be designated by the justices' clerk, upon issuing such process.

SEC. 8. All legal process of every kind in actions, suits or proceedings in said justices' court shall be issued by the said justices' clerk.

SEC. 9. All other acts so far as they conflict with this act are hereby repealed.

SEC. 10. This act shall take effect immediately.

## CHAPTER CCCLXI.

*An act to add a new title to Part IV of an act entitled "An act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by state officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby added a new title to part four of an act entitled "An act to establish a Political Code," approved March twelfth, eighteen hundred and seventy-two, to be known as title five and to read as follows:

### TITLE V.

PUBLICATIONS BY STATE OFFICERS AND COMMISSIONERS, OR THE OFFICERS OF COUNTIES, CITIES, CITIES AND COUNTIES, OR TOWN.

4458. Publications.

4459. Newspapers of general circulation.

Official ad-  
vertising.

4458. Whenever any publication, or notice by publication, or official advertising is required to be given or made by the provisions of this code, the Civil Code, the Code of Civil Procedure, the Penal Code, or by any law of the state, by any officer now existing, or any hereafter to be created, in this state, or any political subdivision thereof, or by any officer of a county, city, city and county, or town, such publication or notice by publication, or official advertising, shall be given or made only in a newspaper of general circulation, where such a newspaper is published within the jurisdiction of said official.

4459. A newspaper of general circulation is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and which shall have been established, printed, and published, in the state, county, city, city and county, or town, where such publication, notice of publication, or official advertising, is given or made, for at least one year. A newspaper devoted to the interests, or published for the entertainment of a particular class, profession, trade, calling, race, or denomination, or any number thereof, is not a newspaper of general circulation.

Newspaper of general circulation defined.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCLXII.

*An act to amend an act entitled, "An act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1896.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1, of said act, is hereby amended to read as follows:

Section 1. A commission consisting of one person, as hereinafter designated, is hereby created and established, for the purpose of revising, compiling, creating, amending, systematizing, improving, and reforming the laws of this state.

Creation of commission to revise the laws.

SEC. 2. Section 2, of said act, is hereby amended to read as follows:

Section 2. The member of said commission shall be known and designated as "The Commissioner for the Revision and Reform of the Law," and the term of office shall be two years from and after the first day of May, 1903. He shall be a member of the legal profession, who shall have, for more than five years prior to his appointment, been engaged in the practice of the law in this state, and who shall have been admitted to practice before the supreme court, of this state.

Designation of commissioner.

SEC. 3. Section 3, of said act, is hereby amended to read as follows:

Section 3. Said commissioner shall be appointed by the governor prior to the first day of May, 1903, and shall enter upon the performance of his duties on said first day of May,

Appointment.

1903. In case of a vacancy in said commission, by death or resignation, removal or otherwise, a successor to fill such vacancy, for the unexpired term, shall be appointed in like manner.

SEC. 4. Section 4, of said act, is hereby amended to read as follows:

Notifica-  
tion of ap-  
pointment.

Section 4. The secretary of state shall, after the appointment of such commissioner, immediately notify such appointee thereof, and issue to such appointee a commission under the great seal of this state, notifying him of the passage of said act, and of his appointment by the governor. Such appointee shall, upon receiving said notice of his appointment, if he accept the same, take and subscribe an oath of office, which shall be filed in the office of the secretary of state, and shall, on the first day of May, 1903, enter upon the discharge of his duties.

Oath of  
office.

SEC. 5. Section 5, of said act, is hereby amended to read as follows:

Seal.

Section 5. Said commissioner shall select and adopt a suitable seal for the authentication of his acts, records, and proceedings. He shall select and appoint a stenographer, who shall act as secretary of said commission, to hold office during the pleasure of said commissioner, who shall assist in the work to be performed and under the supervision of the commissioner.

Stenog-  
rapher.

SEC. 6. Section 6 of said act is hereby amended to read as follows:

General  
duties of  
commis-  
sioner.

Section 6. 1. It shall be the duty of said commissioner to revise and examine the parts of the Code of Civil Procedure, the Political Code, the Civil Code, and the Penal Code of the State of California, not already revised, under the provisions of an act of which this act is amendatory; to note all decisions of the supreme court upon sections of the codes herein specified, and to present to the legislature, at its next session, all sections of the codes which have been declared unconstitutional and have, for any reason, been declared by the supreme court as inoperative; and to suggest any such legislation as will remedy defects in existing laws by reason of decisions of the supreme court or otherwise; to make and compile an index of all the laws of California, not already completed by the present commission; and to revise and compile a new county government act, in accordance with and having regard to decisions of the supreme court thereon.

To revise  
statutes.

2. To revise and examine all the statutes of this state that have been or shall hereafter be passed by the legislature thereof and published by the state.

Designate  
statutes in  
force.

3. He shall ascertain, determine, and designate, according to his best judgment, those statutes now in force, and those expressly or by implication repealed, and report the same to the next legislature.

Note errors

4. He shall note and designate the errors, defects, or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct, or amend the same, and such

improvements as shall introduce precision and clearness into the wording of the codes and statutes.

5. All or any of the reports, records, or proceedings of said commissioner shall be printed by the state printer, on the requisition of said commissioner, when so ordered and directed by said commissioner. Reports to be printed.

6. Said commissioner shall have the power to order the state printer to print and deliver to him such number as said commissioner may designate of any report, record, or proceedings of said commission.

7. Said commissioner shall attend at the capital, during the sitting of said session of the legislature, and act as legislative counsel or advisor, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the legislature; and also, when requested, give advice to said legislature, or such committee, as to the form of any proposed legislation, and its effect upon existing laws, and as to whether said bill, as drawn and presented, is so constructed and worded as to carry out the purpose intended, and shall advise as to the constitutionality thereof. Shall act as legislative advisor.

8. Thirty days prior to every session of the legislature, said commissioner shall make and file with the secretary of state a report of his transactions relating to legislative matters, or which would give any information or knowledge to said legislature as to legislation in the past, and as to the policy for future legislation. And he shall also report to said legislature such suggestions as he may deem proper for the promotion of the public welfare and the best interests of the state, or any locality or citizens thereof, and file therewith schedules or exhibits, showing the form or substance of all proposed legislation which he may recommend. And he shall suggest all such improvements as shall conduce to precision and clearness in the wording of the codes and statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of this state. Said reports, schedules, and exhibits shall be printed by the state printer, upon the requisition and under the supervision of the commissioner. They shall be so printed as to show, in the readiest manner, the changes proposed by the commissioner, and in those cases wherein he shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for comparison; and his report, when so printed, shall be mailed to every member who has been elected to sit in such legislature. Report of transactions.  
Sug-  
gestions.  
Duty of state printer.

9. Said commissioner shall, at all such times as he may designate by rules and regulations which he may adopt, hear in public such printed or oral arguments as may be addressed to him, for or against any proposed or existing legislation, and a record of all proceedings shall be kept and preserved by the secretary of said commission. Hearings for and against proposed legislation.

SEC. 7. Section 7, of said act, is hereby amended to read as follows:

**Salary.** Section 7. Said commissioner shall receive for his services, from the state, the sum of thirty-six hundred dollars per annum; such compensation shall be paid in the same manner as the salaries of the justices of the supreme court are now paid.

**Stenographer.** 2. The stenographer of the commission shall receive the sum of one hundred dollars (\$100) per month, payable in like manner as the salary is paid to the commissioner.

**Expenses.** 3. The expenses incurred by said commission, or commissioner, exclusive of salaries, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be made by said commissioner upon the state controller, accompanied by the sworn certificate of the commissioner that the services have been performed and the materials used or things furnished, and that said sums are justly due.

**Duty of controller and treasurer.** 4. Said state controller is hereby directed to draw his warrant on the treasurer for the payment of said salaries, when due and payable, as herein provided, and also for such sums as are covered by said requisitions, and the treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

SEC. 8. Section 8, of said act, is hereby amended to read as follows:

**In effect.** Section 8. This act shall take effect and be in force from and after the fifteenth day of April, 1903; *provided, however,* that the commissioners appointed under the act of March 28th, 1895, of which this act is amendatory, shall hold office and perform the duties prescribed by said act, to and including the 30th day of April, 1903, and receive the compensation prescribed by said act, of which this act is amendatory.

**Commission of 1895.** SEC. 9. The commission hereby created shall cease to exist and this act shall become inoperative on and after the 1st day of May, 1905.

**Tenure of commission.** SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

## CHAPTER CCCLXIII.

*An act to create a state board of charities and corrections, prescribing its duties and powers, and appropriating money therefor.*

[Approved March 25, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

**State board of charities and corrections.** SECTION 1. A state board of charities and corrections is hereby created of six members, to be appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be of the same political party. Such members shall hold office for the period of twelve years and until their successors are appointed and qualified; *provided,*

that the members of the first board appointed under this act shall, at their first meeting, so classify themselves by lot that two of them shall go out of office at the end of four years, two at the end of eight years, and two at the end of twelve years, and an entry of such classification shall be made in the minutes of said board, and a duplicate thereof shall be filed in the office of the secretary of state. Women may be appointed members of said board, or hold any position in the appointment of said board. No person shall be appointed a member, or continue to act as such, while he is a trustee, manager, director, or other administrative officer of an institution subject to the terms of this act. Appointments to fill vacancies before the expiration of such terms, shall be made for the residue of terms in the same manner as original appointments. The governor shall be ex officio a member of said board.

Women  
may be  
appointed.

Vacancies.

SEC. 2. The members shall act without compensation, but shall be allowed their actual necessary expenses. The said board may appoint a secretary, who shall receive such salary as may be determined by said board, not to exceed twenty-four hundred (\$2,400) dollars per annum. All the expenses of said board, including the salary of the secretary, shall not exceed the sum of six thousand (\$6,000) dollars in any one fiscal year, and said sum of six thousand (\$6,000) dollars is hereby appropriated annually therefor out of any moneys in the treasury not otherwise appropriated. The secretary of said board shall execute a bond in the sum of five thousand (\$5,000) dollars, and take the oath of office prescribed by the Political Code for the executive officers of this state. The board shall provide itself with an office in the city and county of San Francisco. Meetings of the board may be held at such times and in such places in the State of California as said board may deem fit. It may make such rules and orders for the regulation of its own proceedings as it may deem necessary, and may fix the number of members necessary to constitute a quorum. The failure of a member to attend three consecutive meetings of said board during any calendar year, unless excused by formal vote of the board, may be construed by the governor as a resignation of said non-attending member.

Secretary;  
salary.

Expenses  
of board.

Bond of  
secretary.

Office.

Meetings.

Rules.

SEC. 3. The board is hereby empowered and authorized, and it shall be its duty as a whole, or by committee, or by its secretary, to investigate, examine, and make reports upon the charitable, correctional, and penal institutions of the state, including the state hospitals for the insane, of the counties, cities and counties, cities and towns of the state, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor in public institutions or of any of the inmates of said institutions. All the persons or officers in charge of or connected with such public institutions or with the administration of said funds are hereby required to furnish to the board or its committee or secretary such information and statistics as they may request or require, and allow said board, committee or secretary free access to all departments of such institutions and to all of their records. In order to

General  
powers and  
duties of  
board.

Public in-  
stitutions  
to furnish  
informa-  
tion.

State hos-  
pitals. secure accuracy, uniformity and completeness in such statistics and information, the board may prescribe such forms of report and records by the state commission in lunacy regarding the state hospitals for the insane and by such other officers, boards or institutions as it may deem necessary and also such forms of registration at all public institutions referred to in this section as it may require. The state commission in lunacy on behalf of the institutions under its charge and the officers of all other institutions, and all officers, in any way responsible for public funds used for the relief of the poor or the maintenance of any inmates of said public institutions, are hereby required to follow such forms, records and registration so prescribed; *provided*, that the intent of this law is that so far as possible, the board shall make use of the forms of report, record and registration now obtaining in the state commission of lunacy and other state boards and institutions. All plans of new buildings, or parts of buildings for any of the public institutions coming under the provisions of this act, or any additions or alterations in such buildings, shall, before their adoption by the proper officials, be submitted to the board for suggestions and criticism.

Forms of  
report.

Attend-  
ance of  
witnesses. SEC. 4. The board shall have power to issue compulsory process to compel the attendance of any witness before said board or any member thereof, and to require the production of such books or papers relating to any public institution mentioned in section three of this act as they may deem necessary; *provided*, that no witness shall be required to attend before said board out of the county in which he resides. Any member of said board shall have power, and he is hereby authorized to administer an oath to any and all witnesses coming before said board, or any member thereof, for examination, and to examine such witness or witnesses in reference to any matter relating to public institutions mentioned in section three of this act appertaining to the inquiry before the board, or said member.

Disobedi-  
ence of  
subpœna. Disobedience of a subpœna issued by said board, or refusal to be sworn, or to answer, shall subject such person disobeying or refusing to a forfeiture of one hundred dollars, to be recovered in a civil action brought in a court of competent jurisdiction by said board in its name as plaintiff, the money recovered to be appropriated to the use of said board.

Plenary in-  
vestigation  
by gover-  
nor. SEC. 5. No provision in this act contained shall in any way be construed as preventing the governor of this state from making a plenary investigation in reference to the conduct of any public institutions under the terms of any act of the legislature of this state. Furthermore, the governor may at any time order an investigation by the board, or by a committee of its members, of the management of the above-named institutions, or any thereof.

Biennial  
reports. SEC. 6. Three months prior to each regular session of the legislature, the board shall make a full and complete report to the governor of all its transactions during the preceding two years, showing fully and in detail all expenses incurred and moneys paid out by it, and giving a list of all officers and agents

employed, and the actual condition of all institutions under its supervision, with such suggestions as it may deem necessary and pertinent, and with recommendations for legislative and executive action.

SEC. 7. The provisions of this act shall not apply to the Veterans' Home of California, located at Yountville, Napa county, nor to the Woman's Relief Corps Home at Evergreen, Santa Clara county. Institutions excepted.

SEC. 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 9. This act shall be in force and take effect from and after its passage.

#### CHAPTER CCCLXIV.

*An act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the state commission in lunacy, to provide for the government and management of state hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment and maintenance of insane and other incompetent persons.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter first of title fifth of part third of the Political Code is hereby repealed and there is hereby substituted to take the place thereof in such code a new chapter first to read as follows: Chapter repealed.

#### CHAPTER I.

Substitution.

STATE COMMISSION IN LUNACY, STATE HOSPITALS, AND CARE, CUSTODY, APPREHENSION, COMMITMENT OF INSANE AND OTHER INCOMPETENT PERSONS.

- SEC. 2136. Commission in lunacy—of whom consists.  
 2137. The superintendent, his appointment, qualification, and salary.  
 2138. Office and meetings of the commission.  
 2139. The seal of the commission.  
 2140. Expenses and salary of commission.  
 2141. Powers of commission.  
 2142. Duties of commission.  
 2142a. Special investigations by commission.  
 2143. Visits, examinations, and reports.  
 2144. Information to be furnished to the commission.  
 2145. State hospitals.  
 2146. The property of the hospitals.  
 2147. Managers of the state hospitals, and their appointment.  
 2148. Managers, eligibility of, and causes of forfeiture of office.  
 2149. Managers' compensation.  
 2150. Powers and duties of the managers.  
 2151. Limitation upon the powers of managers.  
 2152. Appointments by the managers.  
 2153. The medical superintendent and his duties.



- Sec. 2153a. Appointees of the medical superintendents.
- 2154. Salaries.
  - 2155. Removals.
  - 2156. Resident officers.
  - 2157. Restrictions on physicians and medical superintendents.
  - 2158. Contingent fund, how used.
  - 2159. Duties of the treasurer.
  - 2160. Financial statements.
  - 2161. The steward, and his powers and duties.
  - 2162. Purchase of supplies.
  - 2163. Manufactures at the state hospitals.
  - 2164. Oaths of office.
  - 2165. Inventories by medical superintendents.
  - 2165a. Prohibition of actions.
  - 2166. Recommendations, and their filing.
  - 2167. Detention hospitals.
  - 2167a. Medical examiners.
  - 2168. Charges of insanity, and proceedings thereon.
  - 2169. Attendance and examination of witnesses.
  - 2170. Certificate of examiners.
  - 2171. Order of commitment.
  - 2172. Execution of the order of commitment.
  - 2173. Right to refuse to receive person committed.
  - 2174. Jury trial.
  - 2175. Costs of proceedings.
  - 2175a. Limitations with respect to imbecile persons.
  - 2176. Liability of relatives and guardians of insane persons.
  - 2177. Insane persons in care of their relatives or guardians. Duty of the commission.
  - 2178. Duties of district attorneys.
  - 2179. Appointment of guardian.
  - 2180. Fixing amount to be paid for support.
  - 2181. Orders to be made for payments by guardians.
  - 2182. Suits against relatives.
  - 2183. Duties of officers respecting insane poor.
  - 2184. Homeopathic treatment.
  - 2185. Admissions under special agreements.
  - 2185a. Admission of insane soldiers and sailors.
  - 2186. Superintendent's duty to examine new patients.
  - 2187. Transfer of patients.
  - 2188. Habeas corpus.
  - 2189. Discharge of patients.
  - 2190. Clothing of discharged patients.
  - 2190a. Escaped patients.
  - 2191. Return of insane person to other state or country.
  - 2192. Commitments of incompetents other than insane persons.
  - 2193. Moneys received from counties for support of incompetents.
  - 2194. Admissions of incompetents by agreement.
  - 2195. Terms of life tenure.
  - 2196. Private hospitals.
  - 2197. Actions by commission.
  - 2198. Interpretation.
  - 2199. Reservations.

State commission in lunacy continued.

2136. There shall continue to be a state commission in lunacy consisting of five members, to wit: the general superintendent of the state hospitals, the secretary of the state board of health, and the three members of the state board of examiners. In the absence of the governor, at any meeting of the commission, the secretary of the state board of examiners is authorized to act in his place, with the same powers and with like effect as the governor might exercise, if present; and in the like absence of the attorney-general, the assistant attorney-general may act in his place, with like authority as he might exercise, if present. All the members, other than the general superintendent, must serve without salary.

General superintendent of state hospitals.

2137. The general superintendent of state hospitals is appointed by the governor, to hold office for four years, and must not hold any other office. He must be a reputable physi-

cian, and graduate of an incorporated medical college, who has had at least ten years' actual practice in his profession, and six years' actual experience in the care and treatment of the insane, at least one year of which must have been in the state hospitals of this state. His salary is four thousand dollars per annum, and cannot be changed during his term of office, and he must also be allowed his actual traveling and incidental expenses, to be audited by the other members of the commission.

2138. The secretary of state must provide the commission with a suitably furnished office in the state capitol, in which it must hold stated meetings at least once in every three months. It may hold other meetings at such office, or elsewhere, at such times as it may be deemed necessary.

Office in capitol.

2139. The commission must have and keep an official seal. Every process, order, or other paper issued or executed by the commission, may, by its direction, be attested with its seal by the secretary, or by any member of the commission, and when so attested must be deemed to be duly executed by the commission.

Official seal.

2140. The salary of the general superintendent and the reasonable expenses of the commission, and of the necessary clerical assistance, must be paid by the treasurer of state on the warrant of the controller, out of any money appropriated for the support of the insane, feeble-minded and other incompetent persons, pro rata, from the amount appropriated for the maintenance of each hospital.

Salary and expenses.

2141. The commission has power:

1. To employ a secretary, a stenographer, and such other employés as it may deem necessary and fix their compensations;

Powers of commission.

2. To appoint, by its order, a competent person to examine the books, papers, and accounts, and also into the general condition and management of any institution in this chapter mentioned, to the extent deemed necessary and specified in such order;

Employés.  
Expert books, etc.

3. To fix the annual salaries of the resident officers and treasurer of the state hospitals, which must be uniform in all state hospitals for the insane and as near uniform as possible in all state hospitals, and to classify the other officers and employés in grades, and determine the salaries and wages to be paid in each grade, which must be uniform in all hospitals for the insane, and as near uniform as possible in all state hospitals;

Fix salaries.

4. To determine the kind and character of all employés who shall be employed at any state hospital according to the needs and objects of the hospital.

Character of employés.

2142. The duties of the commission are:

Duties.

1. To take charge of the execution of the laws relating to the care, custody, and treatment of the insane, feeble-minded persons, epileptics and idiots, and other incompetent persons as provided in this chapter;

Execute laws.

2. To examine all public and private institutions receiving and caring for the insane and other incompetent persons, and inquire into their methods of government, and the treatment of all inmates thereof;

Examine institutions.

- Examine buildings.** 3. To examine into the condition of all buildings, grounds, or other property connected with such institutions, and into all matters relating to their management. For the purposes specified in this subdivision, each commissioner is entitled to free access to the grounds, buildings, and all books and papers relating to any such institution, and every person connected therewith must give such information and afford such facilities for any such examination or inquiry, as the commissioners may require;
- Correspondence of inmates.** 4. To make such regulations in regard to the correspondence of the inmates in said institutions in custody as in its judgment will promote their interests, which regulations must be complied with and enforced by the proper authorities of each institution; but no restriction must be placed upon the correspondence of such inmates with the superior judge and district attorney of the county from which they were committed or admitted to such institutions;
- Rules and regulations** 5. To adopt, for all hospitals, rules and regulations, books of record for steward's and all departments, blank forms, both clinical and otherwise, questions for examination of employes, and for examination in all the different branches of medicine and surgery, and especially in diseases affecting the mind and nervous system, of all officers and internes, for the special use of the hospital;
- Medical examiners.** 6. To keep in its office a record showing the name, residence, and certificate of each duly qualified medical examiner, and to immediately file, when received, each duly certified copy of a medical examiner's certificate, and advise him of its receipt and filing;
- What office record shall show.** 7. To keep in its office a record showing:
- (1) The name, residence, sex, age, nativity, occupation, civil condition, and date of commitment of every patient and inmate in custody in the several institutions for the care and treatment of insane and other incompetent persons in the state, and the name and residence of the person making the petition for commitment, and of the persons signing the medical certificate, and of the judge making the order of commitment;
  - (2) The name of the institution where each patient or inmate is confined, the date of admission, and whether brought from home or another institution, and if from another institution, the name of such institution, by whom brought, and the patient's or inmate's condition;
  - (3) The date of the discharge of each patient or inmate from such institution, and whether recovered, improved, or unimproved, and to whose care committed;
  - (4) If transferred, for what cause, and to what institution; and if dead, the date and cause of death;
  - (5) The date of discharge of each inmate from the home for feeble-minded since July 1, 1902, and mental condition when discharged;
- Report to legislature** 8. To report and recommend to the legislature the necessary prospective needs for the care, custody, and treatment of the poor and indigent insane and other incompetent persons mentioned

in this chapter, and for the purpose of preventing overcrowding, it must recommend to the legislature the establishment of cottages at such of the state hospitals as in its judgment will best meet the requirements of such persons;

9. To furnish the legislature an estimate of the probable number of patients who will become inmates of the respective state hospitals during the two years beginning July first, next ensuing, and the cost of all additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody, and treatment of the poor and indigent insane and other incompetents of the state; Estimates.

10. To biennially report to the legislature its acts and proceedings for the two years ending June thirtieth, last preceding, with such facts regarding the management of the institutions for the insane and other incompetents as it deems necessary for the information of the legislature, including estimates of the amounts required for the use of such hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers of each state hospital. Biennial reports.

2142a. When the commission has reason to believe that any person held in custody as insane or incompetent is wrongfully deprived of his liberty, or is cruelly or negligently treated, or inadequate provisions is made for his skillful medical care, proper supervision, and safekeeping, it may ascertain the facts, or may order an investigation of the facts by one or all of its members. It, or the commissioner conducting the proceeding, may issue compulsory process for the attendance of witnesses and the production of papers, and exercise the powers conferred upon a referee in a superior court. The commission may make such orders for the care and treatment of such person as it may deem proper. Whenever the commission undertakes an investigation into the general management and administration of any hospital for the insane or incompetents or places of detention for the alleged insane or incompetents, it may give notice to the attorney-general of any such investigation, who must appear personally or by deputy, and examine witnesses who may be in attendance. The commission, or any member thereof, may at any time visit and examine the inmates of any county, city and county, or city almshouse, to ascertain if insane persons are kept therein. When complaint is made to the commission regarding the officers of any hospital or institution for the insane or other incompetents, or regarding the management thereof or of any person detained therein or regarding any person held in custody as insane or incompetent, the commission may, before making an examination regarding such complaint, require the same to be made in writing and sworn to before an officer authorized to administer oaths, and on receiving such complaint, sworn to if required by the commission, the commission shall direct that copy of such complaint be served on the authorities of the hospital or institution or the person against whom complaint is made together with notice of time and place of such investigation as the commission may direct. Persons wrongfully held in custody.

Duty of attorney-general.

Com-plaints.

General superintendent shall visit institutions.

2143. The general superintendent of state hospitals must visit every state hospital at least twice in each year. Visits may be made by the commissioners jointly, or singly, at such times as the visiting commissioner or commissioners may choose. Each visit must include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the outhouses, places, buildings, and grounds belonging thereto, or used in connection therewith. The general superintendent, or a majority of the members of the commission, must, from time to time, make an examination of all records and methods of administration, the general and special dietary, the stores and methods of supplies, and, as far as the circumstances will permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it, suitable opportunity to converse with the commissioners, apart from the officers and attendants. They must, as far as they deem necessary, examine the officers, attendants, and other employés, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioner, or commissioners, must report the result thereof, with such recommendations for the better management or improvement in such institutions as they may deem necessary. But such recommendations must not be contrary to the medical doctrines of the particular school of medicine adopted by such institution. The commissioners must, from time to time, meet the managers or responsible authorities of such institutions, or as many of the members as practicable, in conference, and consider, in detail, all questions of management and improvement of the institutions, and must also send to them, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institutions as they may deem necessary or desirable. The times and places of such conferences shall be designated by the commission.

Examination of officers.

Conferences.

Hospitals must furnish facts required.

Copy of medical certificate

2144. The authorities for the several hospitals must furnish to the commission the facts mentioned in subdivision seven of section twenty-one hundred and forty-two and such other obtainable facts as the commission may, from time to time, in the discharge of its duties, require of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital must, within ten days after the admission of any person thereto, cause a copy of the medical certificate and order on which such person was received, to be forwarded to the office of the commission, and when a patient or inmate is discharged, transferred, or dies, such superintendent, or person in charge, must, within three days thereafter, send the information to the office of the commission, in accordance with the forms prescribed by it.

State hospitals.

2145. There are established the following state hospitals, which are declared to be corporations:

Stockton.

1. The Stockton State Hospital at the city of Stockton, formerly known as the Stockton State Insane Asylum at Stockton;

2. Napa State Hospital, near the city of Napa, hitherto known as the Napa State Asylum for the Insane at Napa; Napa.
3. Agnews State Hospital, near the city of San José, formerly known as the State Insane Asylum at Agnews; Agnews.
4. Mendocino State Hospital, near the city of Ukiah, hitherto known as the Mendocino State Insane Asylum at Ukiah; Mendocino
5. Southern California State Hospital, near the city of San Bernardino, hitherto known as the Southern California State Insane Asylum for the Insane and Inebriates, San Bernardino. Southern California.
- Said state hospitals being for the care and treatment of the insane.

6. The California Home for the Care and Training of Feeble-Minded Children at Eldridge, Sonoma county. Home for Feeble-Minded Children.

The object of said home is such care, training, and education of those received, as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the managers must furnish them such agricultural and mechanical education as they may be capable of receiving and all that the facilities offered by the state will allow, including farm work, shops, and the employment of trade teachers. The hospital must, on the conditions in this act prescribed, receive and care for feeble-minded persons, imbeciles, idiots, and epileptics who are not insane.

2146. Each of the corporations mentioned in the preceding section may acquire and hold in its corporate name, by gift, devise, or bequest, property to be applied to the maintenance of the inmates of the hospitals and for the general use of the corporation. All lands necessary for the use of state hospitals must be acquired by condemnation as lands for other public uses are acquired, except those acquired by gift, devise, or purchase, and the terms of every purchase must be approved by the commission. No public street or road for railway or other purposes, except for hospital use, must be opened through the lands of any state hospital, unless the legislature by special enactment consents thereto. Corporate powers.

2147. Each hospital has a board of five managers or trustees appointed by the governor, each of whom holds office for the term of four years from and after his appointment, and the terms of not more than two must expire in any one year. Such trustees or managers shall hereafter be termed managers. If a vacancy occurs otherwise than by the expiration of a term, it must be filled by appointment for the unexpired term. Any manager is subject to removal by the governor, upon good cause shown and opportunity to be heard. The managers or trustees of each hospital now in office shall continue in office during the terms for which they were appointed. Board of hospital managers.

2148. No person is eligible to the office of manager, who is a member of the legislature or an elective state officer, and if he becomes such after his appointment his office is thereby vacated. If any manager fails for three months to attend the regular meetings of the board, unless he is ill or absent from the state, his office becomes vacant, and the board, by resolution, must so declare, and must forthwith transmit a certified copy of such resolution to the governor. Eligibility to office of manager.

Compensation.

2149. The managers are entitled to ten dollars per day for their attendance at meetings of the board, and while in the actual service of the state, and to their necessary traveling expenses, to be paid as are other current expenses of the hospital; *provided*, that no manager shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year.

General duties of boards of managers.

2150. Subject to the powers of the commission, each board of managers has general control and direction of the property and concerns of the institution for which it is appointed, not otherwise provided by law. It is the duty of the board of managers:

1. To take care of the interests of the hospital, and see that its design and its by-laws, rules, and regulations are carried into effect, according to law;

2. To establish such by-laws, rules, and regulations subject to the approval of the commission, as it may deem necessary and expedient for regulating the duties of officers and employes of the hospital, and for the internal government, discipline, and management of the same;

3. To maintain an effective inspection of the hospital, for which purpose a majority of the board must visit the hospital at least every month, and the whole board once a year, and at such other times as may be prescribed in the by-laws;

4. To keep, in a book provided for the purpose, a fair and full record of its doings, which must at all times be open to the inspection of the commissioners in lunacy, or either house of the legislature;

5. To cause, within ten days after each meeting of such managers, or a committee thereof, a copy of the minutes and proceedings of such meeting to be sent to each member of such board and to the commission;

6. To enter, in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients, and all the managers present must sign such entry;

7. To make to the commission, on or before the fifteenth day of August of each year, a detailed report of their visits and inspections, with suitable suggestions and such other matters as may be required of them by the commission, for the year ending on the thirtieth day of June preceding the date of such report;

8. To bring such actions in the name of the hospital with the consent of the attorney-general necessary to protect the interests of the hospital or to recover for the use of the hospital the amount due the hospital on any bond, note or other cause of action accruing to the hospital other than for the care, support, maintenance and expense of any patient or inmate therein.

Expenditures of moneys.

2151. No money must be expended by the managers of any state hospital for the erection of additional buildings or for unusual repairs or improvements, except upon plans and specifications approved by the commission. The cost of such

buildings to be occupied by patients, or inmates, including the necessary equipment for heating, lighting, ventilating, fixtures, and furniture, must in no case exceed five hundred and fifty dollars per capita for the patients or inmates to be accommodated therein; and subject to the said approval, the managers may employ a competent architect to prepare plans, specifications, or estimates of cost of proposed structures, and adopt such plans, specifications, or estimates, and after plans, specifications, or estimates of cost are so approved, may let contracts for erection of such buildings or making of such repairs, and may employ a competent architect to superintend the construction of such building or the making of such repairs.

2152. Each board of managers must appoint for the hospital under its control, as often as vacancies may occur therein:

Appoint-  
ments by  
managers.

1. A medical superintendent, who must be a graduate of an incorporated medical college, and a well-educated physician, of good moral character, who has had not less than three years' experience in the care and treatment of the insane. The medical superintendent of the homeopathic hospital must be a homeopathic physician, and he must, in other respects, possess the same qualifications as other medical superintendents;

Medical  
superin-  
tendent.

2. A treasurer, who is also ex officio secretary of the board, and who must keep all the books, records, and papers pertaining to the business of his office, and maintain such office wherever the board of managers directs. He must give an undertaking to the people of the state, in such sum as the board requires for the faithful performance of his trust, with sureties to be approved by it.

Treasurer.

Any medical superintendent or treasurer may be removed by a majority vote of the board of managers for cause; such cause must be stated in writing and served upon the official charged. He must thereafter be given an opportunity to be heard. If removed upon such hearing, his removal is final.

Removal of  
appointees

3. The appointment of any person as medical superintendent shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery and especially in diseases affecting the mind and nervous system. The questions for such examination shall be prepared by the general superintendent and such medical superintendents as may be designated by the commission subject to the approval of the commission. Such examination shall be conducted by the general superintendent or by such medical superintendents of the hospitals as may be named by the commission for that purpose. An examination shall not be required of any medical superintendent or assistant physicians now in office in any state hospital.

Qualifica-  
tions of  
superin-  
tendent.

2153. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician, or other officer designated by the medical superintendent, must perform his duties and be subject to his responsibilities. Subject to the rules and regulations

Chief  
executive  
officer.



established by the board of managers, the medical superintendent has general superintendence of all buildings, grounds, and farm, together with their furniture, fixtures, and stock, and the direction and control of all persons therein, and must:

Personal supervision required.

1. Personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients and inmates. To this end the superintendent must personally examine the condition of each patient or inmate within five days after his admission to the hospital, and must visit all the wards or apartments for patients or inmates at such times as the rules and regulations of the hospital prescribe.

Monthly report of superintendent of Home for Feeble-Minded.

2. The superintendent of the home for feeble-minded must, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all inmates supported, cared for, trained, and educated in such hospital for the preceding month, and whose support, care, training, and education in such hospital are provided to be paid for by the several counties whence they came. This report must give the names and residences of all such inmates, together with the dates of their admission, and the department of the hospital in which they are detained, and the special grade of mental deficiency with which each is afflicted. Copies of this report must be filed in the offices of the state board of examiners, the controller, the treasurer of state, and state commission in lunacy, but must not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent must also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which must be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each inmate supported, and for which such county is liable to the state for support and maintenance.

Where filed

Annual report to managers.

3. The superintendent of the home for feeble-minded must, annually, after the close of the fiscal year, and before the date at which the managers are required to make their annual report, make to the managers a report, giving the name, age, sex, nativity, residence, and date of reception of each pupil in the institution within the preceding year, and, as far as can be ascertained, the causes of imbecility; also the number discharged, with the date and reason therefor in each case, together with the name of each paying pupil, and the amount charged for him, and the amounts paid or unpaid; and also such other information and suggestions as may seem proper; which report must be kept on file in the office of the secretary of the board, but must not be printed.

Medical superintendent's appointments.

2153a. The medical superintendent of each hospital must appoint, by and with the consent of the board of managers:

1. A supervisor, matron, and steward, and all employes, none of whom must be his relatives, or that of any member of the board of managers, either by consanguinity or marriage, who

shall be subject to such examination as he deems for the best interest of the hospital, the questions to be prepared by the general superintendent, subject to the approval of the commission;

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges, well educated in their profession and of good moral character;

Assistant physicians; qualifications.

3. Where there are first and second assistant physicians, the first assistant physician must have had two years' actual experience, and the second assistant physician one year's actual experience in the care and treatment of the insane;

4. Where there are four or more assistant physicians in any hospital for the insane one of them must be a woman;

Woman assistant.

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. Such examination shall be conducted by the medical superintendent on questions prepared by the general superintendent and by such medical superintendents as may be designated by the commission, subject to the approval of the commission. The passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

Assistants shall pass examination.

6. At the homeopathic state hospital all assistant physicians and internes besides possessing the qualifications herein prescribed, must be graduates of an incorporated homeopathic medical college;

Homeopathic appointees.

7. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses;

Medical superintendents must give orders.

8. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

Maintain discipline.

9. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or forms provided for that purpose;

Keep records.

10. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission;

Report yearly.

11. Keep a book, in which he must cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person;

Record reception of patients.

Prepare  
payrolls.

12. To prepare and keep the payrolls of the hospital, and collect all moneys; keep the accounts for the support of the patients, and expenses incurred in their behalf; furnish the treasurer statements thereof as they fall due; turn all moneys collected over to the treasurer, and report same to the board of managers at each meeting; notify the treasurer of the death or discharge of reimbursing or pay patients, within five days after such death or discharge;

Prepare  
annual es-  
timates in  
triplicate.

13. Prepare triplicate estimates of the amount, kind, and quality of furniture and household furnishing goods, provisions, fuel, forage, clothing or material for clothing, and other material required for the twelve months ending June thirtieth of each year, which must be approved by the board of managers, unless a different time is allowed by the commission. He must submit two of the triplicate estimates to the commission, and file the third in his office. The commission may revise the estimate for supplies, either as to quality or quantity thereof, and must certify that it has carefully examined the same, and that the articles contained in such estimate, as approved by it, are actually required for the use of the hospital; whereupon, after having approved the estimates, the commission must, beginning upon the fifteenth day of the month preceding the month in which contracts are to be let, advertise for four successive weeks, for contracts for furnishing such supplies; said advertising being in brief, referring to the class of supplies and the fact that all contemplated bidders can receive schedules by applying to the superintendents or secretaries of the various hospitals, or the state commission. All contracts must be awarded to the lowest responsible bidder, or bidders, upon their giving to the board of managers a bond, amounting to one fourth of their actual bids, as security for the faithful performance of the same. The board of managers reserves the right to reject any and all bids submitted to them;

Monthly  
estimates.

14. Prepare monthly triplicate estimates, as approved by the board of managers, two of which must be submitted to the commission, and the other filed in the superintendent's office, for necessary expenditures required for the hospital of which he is superintendent, for the ensuing month. The commission may revise these estimates for supplies, either as to quality, quantity, or price thereof, and must certify that they have been carefully examined, and that the articles contained in such estimates, as approved by it, are actually required for the use of the hospital; whereupon the board of managers must direct its superintendent to secure the supplies according to the approved estimates.

Salaries.

2154. The annual salary of the medical superintendent must not exceed thirty-five hundred dollars, of the first assistant physician three thousand dollars, of other assistant physicians twenty-five hundred dollars, and of internes six hundred dollars. All salaries and wages must be included in the monthly estimates and paid in the same manner as other expenses of the state hospitals. The medical superintendents, the assistant physicians, and stewards, and their families, must be furnished room, household furniture, laundry service, drugs

when ill, provisions, fuel, and lights at and from the supplies of the hospital. But separate accounts must be kept of the same. The word family shall be regarded as meaning only the wife and minor children of said officers.

2155. The medical superintendent may remove any resident officer in his employ for cause, pending the meeting of the board of managers. The removal of employes, other than resident officers, must be reported to the board of managers for its action, which is final; and in the case of resident officers, notice in writing must be immediately given to the resident officer removed and to each member of the board of managers. At the next meeting of the board, or at the meeting to which it is regularly postponed, such removal must be considered and the person removed be heard; after which the managers must determine the matter, and their judgment is final. If an officer or employe is removed, the superintendent must make a record thereof, with the reasons therefor, under the appropriate head, in one of the books of the hospital. Any officer or employe of a state hospital taking an active part in politics, directly or indirectly, may be summarily removed from such hospital by the state commission in lunacy upon written charges under oath made by three or more reputable citizens and upon testimony taken under oath at a hearing held for the purpose. The medical superintendent must transmit, by mail, to the state lunacy commission, within five days after any removal has been approved by the board of managers, information of such removal, and the cause thereof. The commission must preserve the name of such officer, or employe, with the facts relating to his removal in a book provided for that purpose. When any officer or employe is removed by the superintendent, as herein provided, the officer or employe removed shall stand suspended from his office or position until the removal is acted upon by the board of managers; and no salary or wages shall be paid such officer or employe for the time he remains suspended. During such suspension, the duties of the office or position shall be performed by such other officer or employe who may be designated for that purpose by the medical superintendent.

Removal of officers.

Consideration of removal.

Partisan politics forbidden.

Suspensions.

2156. The medical superintendent, all assistant physicians, stewards, supervisors, and matrons must maintain their residence in the hospital or on the premises, and are designated as the resident officers of the hospital.

Residence.

2157. The medical superintendents and assistant physicians shall not engage in private practice, but shall devote their entire time to the duties of their positions. Nothing in this section shall, however, be regarded as prohibiting them from giving necessary medical care and treatment to the officers and employes of the hospital residing at the hospital or in the immediate vicinity thereof, or in cases of emergency.

Private practice forbidden.

2158. In every state hospital there shall be a contingent fund. In state hospitals for the insane said fund shall consist of all moneys received by the board of managers other than that appropriated by the state. In the home for feeble-minded

Contingent fund; consists of what.

such fund shall consist of all moneys received by the board of managers other than that appropriated by the state or received by them from the several counties of the state for the support of inmates actually in the hospital. The contingent fund must, by said board, be expended for such supplies, expenses, buildings, lands and other property and improvements as are required for the best interests of the hospital and for the improvement thereof and of the grounds and buildings connected therewith. The medical superintendent must make triplicate estimates, in minute detail, as approved by the board of managers, of such supplies, expenses, buildings, and improvements, which must be submitted to the commission. The commission may revise the estimates of such supplies, expenses, buildings, and improvements, and must certify that it has carefully examined the same, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of such hospital; whereupon the board of managers, after having received the revised and approved estimates, must proceed to purchase such supplies, make such expenditures, or construct such improvements or buildings without further authority, itemized bills for the same to be approved by the board of managers and paid in the same manner as other bills incurred by the hospital. The building act of eighteen hundred and seventy-six does not apply to any improvement, structure, or building made under the provisions of this act. The commission may also require the board of managers to obtain such plans and specifications for buildings or improvements as it deems advisable and may also require the board of managers, before letting contracts for supplies, buildings and improvements, to advertise for bids for the same for a period and in such papers as the commission deems proper.

2159. The treasurer of each hospital must:

1. Subject to the provisions of Chapter XCIII, Statutes of 1899, approved March 17, 1899, have the custody of all moneys received from the state, or elsewhere, for the benefit of the hospital, or any of its inmates, and keep an accurate account thereof;
2. Have the custody of all bonds, notes, mortgages, and other securities and obligations belonging to the hospital;
3. Receive all money for the care and treatment of patients, and other sources of revenue to the hospital;
4. Subject to the provisions of Chapter XCIII, Statutes of 1899, approved March 17, 1899, deposit all such moneys in a bank designated by the board of managers, conveniently near the hospital, in his name, as treasurer, and send each month, to the commission and the board of managers, a statement showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposit must be certified by the proper officer of the bank receiving such deposit. The treasurer must make an affidavit to the effect that sum so deposited is all the

How expended.

Estimates for supplies.

Building act of 1876.

Plans and specifications.

General duties of treasurer.

Deposit of moneys.

money received by him, from any source of hospital income, up to the time of the last deposit appearing on such statement; Duties of treasurer.

5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward, approved by the superintendent, in accordance with the estimates made by the superintendent, and revised and approved by the board of managers and by the commission;

6. Keep full and accurate accounts of all receipts and payments, in the manner directed in the by-laws, and according to the books and forms approved, prescribed and furnished by the commission;

7. Balance all accounts on his books annually, on the last day of June, and make a statement thereof, and an abstract of the receipts and payments of the past year, and deliver the same, within ten days, to the finance committee of the managers, who must compare the same with the books and vouchers, and verify the results by further comparison with the books of the steward, and certify, in regard to the correctness thereof, to the managers at their next meeting;

8. Render an account to the state of the books and the funds and other property in his custody, whenever required by the managers or by the commission;

9. Upon the order of the board of managers, execute a release and satisfaction of a mortgage, judgment, or other lien or debt, in favor of the hospital, when the same has been paid;

10. Upon the order of the board of managers to pay all moneys and return all property in his possession belonging to any patient to said patient or to the persons entitled thereto, when said patient is discharged. Upon the order of the board of managers, when any patient dies, to pay over all moneys and turn over all property in his possession belonging to such patient to the persons entitled thereto. Property of patients.

2160. The treasurer of each state hospital shall, each month, send to the commission an audit sheet showing the payment of claims allowed by the board of examiners for the preceding month for the expenses of the hospital. Such audit sheet must show the number of each voucher, the name of the claimant, to whom paid, number of check, date of payment and amount for which it was allowed by the state board of examiners. Such audit sheet must be verified by the affidavit of the treasurer attached thereto, in the following form: Audit sheet, showing payment of claims.

"I, ———, treasurer of the ——— state hospital, do solemnly swear that I have deposited in the bank designated by the board of managers for such purpose, all the moneys received by me, as hereinbefore set forth, on account of the hospital for the preceding month, and I do further swear that the foregoing is a true abstract of all the moneys received, as hereinbefore mentioned, and payments made by me, or under my direction, as such treasurer, for the month ending on the ——— day of ———, 19—." Form of verification.

There must also be attached the affidavit of the steward, to the effect that the goods and other articles therein specified Affidavit of steward.

were ordered, or purchased, and received by him, or under his direction, at the hospital, and that neither he, nor any person in his behalf, had any pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deduction, or presents, or in any manner whatever, directly or indirectly; that the articles and bills conform in all respects to the invoiced goods received and ordered by him, both in quality and quantity.

Duties of steward.

2161. The steward, under the direction of the superintendent, shall be accountable for the careful keeping and economical use of all furniture, and, under the direction of the superintendent, shall make all purchases for the hospital according to the provisions of subdivisions thirteen and fourteen of section twenty-one hundred and fifty-three *a* and section twenty-one hundred and fifty-eight, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings. The steward at all times shall, under the direction of the medical superintendent, have control of the farm, stock, grounds and all outside departments. He shall receive all supplies and see that they are the articles ordered and of proper weight and quality, reject those that are below the standard adopted. He shall exercise general supervision over the kitchen and all food supplies and see that they are properly cooked and served. He shall receive all products of farm and garden, and keep true and accurate books and accounts of such products and all supplies and materials under his supervision.

Expenditures must be in conformity with act.

2162. No expenditure for supplies, or other purposes, must be made by the board of managers of any state hospital for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this chapter, in relation to estimates. No manager or officer of the hospital must be interested, directly or indirectly, in the furnishing of material, labor, or supplies for the use of the hospital, nor must any manager or officer act as an attorney or counsel for such hospital.

Contingent fund may be used to provide for manufactures.

2163. The state hospitals may make or manufacture such supplies and materials necessary or required to be used in any of the state hospitals and which can be economically made or manufactured therein. The necessary cost and expense of providing for the making and manufacture of such supplies and materials and to conduct and carry on the same shall be paid for out of the contingent funds of the hospitals. In making proper provision for the making and manufacture of such supplies and materials, the board of managers and the officers and employés of the hospitals shall be governed by the provisions of this act relating to the contingent fund of each state hospital. The board of managers may agree with the board of managers of other state hospitals on what terms, supplies or materials, made or manufactured at state hospitals, may be sold to or exchanged for supplies or materials manufactured by other state hospitals. No hospital shall enter into or engage in making or manufacturing any supplies or

Sale of manufactures.

materials unless permission for the same is obtained from the commission. Such permission must be by resolution of the commission duly passed and entered of record on the minutes of the commission. The commission may, at any time, when, in the judgment of the commission, it shall appear that the manufacture of any article or articles is not being or cannot be economically carried on at a state hospital, suspend or stop the manufacture of such article or articles, and on receipt of a certified copy of the order of the commission directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article or articles.

Permission  
to manu-  
facture.

2164. Each superintendent, treasurer, and steward, before entering upon his duties as such, must take the constitutional oath of office, and file the same in the office of the secretary of state.

Oath of  
office.

2165. During the month of June of each year the medical superintendent shall make a complete and accurate inventory in minute detail of the stock and supplies on hand at said hospital. Said inventory shall be under the following heads: Livestock; farm produce on hand; wagons, carriages and other vehicles; agricultural and farming implements; tools and machinery; other tools, implements, machinery and mechanical appliances and fixtures; real estate; beds and bedding; carpets and furniture in patients' apartments; beds, bedding, carpets and furniture in apartments used by officers and employes and purchased by the state; personal property of the state in all departments; ready-made clothing; cloths, materials and dry goods purchased for clothing and hospital purposes; groceries and provisions; drugs and medicines; fuel on hand; stationery and office supplies; hardware; lumber and building materials; and all other property under such heads as the medical superintendent shall deem proper. Said inventory shall cover the fiscal year ending June 30, of each year. One copy of such inventory shall be forwarded to the commission on or before the first day of July of each year. One copy shall be filed with the board of managers, and one copy retained by the superintendent.

Annual  
inventory.

2165a. No civil action must be brought against the commission, or a commissioner in lunacy, or an officer or manager of a state hospital, because of any act done or failure to perform any act, while discharging his official duties, without leave of the controller first had and obtained. Any just claim for damages against such commission or commissioner, officer or employé, for which the state would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane or other incompetents.

Civil  
actions  
against  
commis-  
sion.

2166. The authorities of each state hospital must place on file in the office of the institution, the recommendations made by the commissioners, as a result of their visit, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visit to such institution.

Recom-  
menda-  
tions to be  
filed.



Detention  
wards;  
duty of  
boards of  
super-  
visors.

2167. The board of supervisors of each county, and city and county, must maintain in the county, or city and county, or in a receiving hospital situate therein, a suitable room or rooms for the detention, board, care, and treatment of the alleged insane, for a period of not less than one nor more than twenty days. These rooms and their furnishings must be subject to the approval of the commission, and each person having charge and control of any such hospital or rooms and their furnishings, must allow the commission to make such investigations thereof as it may at any time deem necessary. Nothing in this section must be construed to mean that insane persons may not be detained, cared for, boarded, and treated, by and with the consent of the commission, in their own homes, or homes of their relatives or friends, or in a licensed private hospital.

Medical  
examiners;  
certificate  
of superior  
judge.

2167a. The superior judge of each county, or city and county, may grant certificates in accordance with the form prescribed by the commission, showing that the persons named therein are reputable physicians and graduates of incorporated medical colleges, and have been in active practice of their profession at least five years, and when certified copies of such certificates have been filed with the commission, the persons therein named become known as "medical examiners," and there must at all times be at least two such medical examiners in each county.

Affidavit  
for arrest  
of person  
of disor-  
dered  
mind.

2168. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person therein is so far disordered in his mind as to endanger health, person, or property, he must issue and deliver to some peace officer, for service, a warrant directing that such person be arrested and taken before a judge of the superior court of the county, for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had, as hereinafter provided.

Copy must  
be served.

At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. He must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him that he is charged with being insane, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the production and examination of witnesses. Said order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that notice of the arrest of such person and of the hearing on the said charge of insanity be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper.

Accused  
must be in-  
formed of  
his rights.

Time for  
hearing.

Duty of  
superior  
judge.

2169. The superior judge may, for any hearing, issue subpoenas and compel the attendance of witnesses and must compel the attendance of at least two medical examiners, who

must hear the testimony of all witnesses, make a personal examination of the alleged insane person, and testify before the judge as to the result of such examination, and to any other pertinent facts within their knowledge. The judge must also cause to be examined before him as a witness, any other person whom he has reason to believe has any knowledge of the mental condition of the alleged insane person or of his financial condition or that of the persons liable for his maintenance. The alleged insane person must be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him.

2170. If the medical examiners, after making the examination and hearing the testimony, believe such person to be dangerously insane, they must make a certificate, under their hand, showing as nearly as possible:

Certificate  
of medical  
examiners.

1. That such person is so far disordered in his mind as to endanger health, person, or property;
2. The premonitory symptoms, apparent cause or class of insanity, the duration and condition of the disease;
3. The nativity, age, residence, occupation, and previous habits of the person;
4. The place whence the person came and the length of his residence in the state.

Such certificates must be made in the form prescribed by, and, if they can be had, upon blanks furnished by the general superintendent of the state hospitals.

2171. The judge, after such examination and certificate made, if he believes the person so far disordered in his mind as to endanger health, person, or property, must adjudge him insane, and make an order that he be confined in a hospital for the care and treatment of the insane, designated in such order, and the order must be accompanied by a written statement of the judge as to the financial condition of the insane person and of the persons legally liable for his maintenance, as far as can be ascertained. Copies of such order, of the certificate of the examiners and of such accompanying statement must be filed with the county clerk, and said order must be recorded by the county clerk of the county in which such order was made as are other judgments of said court. He shall also keep, in convenient form, an index book, showing the name, age, and sex of the person so ordered to be confined in any such hospital, with the date of the order and the name of the hospital in which the person is ordered to be confined. No fees must be charged by the clerk for performing any of the duties provided for in this section.

Judgment  
of insanity.

Duty of  
county  
clerk.

2172. The insane person, together with certified copies of the affidavit, warrant of arrest, and of the order for hearing and examination, the order and accompanying statement of the judge and the certificate of the physicians, must be delivered to the sheriff of the county, and by him must be delivered to the officer in charge of the hospital to which such person is committed; but no female insane person shall be

Duty of  
sheriff.

taken to any hospital without the attendance of some other female or of some relative of such insane person.

Papers  
must be  
properly  
prepared.

2173. The superintendent or person in charge of any state hospital may refuse to receive any person upon any order, if the papers presented do not comply with the provisions of the preceding section.

Trial by  
jury.

2174. If a person ordered to be committed, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within five days after the making of such order, demand that the question of his sanity be tried by a jury before the superior court of the county in which he was committed. Thereupon that court must cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than ten days from the date of the demand for a jury trial. At such trial the cause against

Procedure.

the alleged insane must be represented by the district attorney of the county, and the trial must be had as provided by law for the trial of civil causes before a jury, and the alleged insane person must be discharged unless a verdict that he is insane is found by at least three fourths of the jury. If the verdict of

Commit-  
ment.

the jury is that he is insane, the judge must adjudge that fact and make an order of commitment as upon the original hearing. Such order must be presented, at the time of commitment of such insane person, to the superintendent or person in charge of the hospital to which the insane person is committed, and a copy thereof be forwarded by such superintendent to the commission, and filed in its office. Proceedings under the order

Stay of pro-  
ceedings.

must not be stayed, pending the proceedings for determining the question of sanity by a jury, except upon the order of a superior judge, with provision made therein for such temporary care and custody of the alleged insane person as may be deemed necessary. If the superior judge, by the order granting the stay, commits the accused insane to the custody of any person other than a peace officer, he may, by such order, require a bond for his appearance at the trial. If a judge refuses to grant an application for an order of commitment of an insane person alleged to be dangerous to himself and others if at large, he must state his reasons for such refusal, and any person aggrieved thereby may demand a trial of the question of the insanity of such accused insane, in the manner hereinbefore provided for a jury trial when demanded by or on behalf of the accused insane.

Bond for  
appear-  
ance.

Costs of in-  
digents a  
county  
charge.

2175. The cost necessarily incurred in determining the insanity of a poor or indigent person and securing his admission into a state hospital, and the expense of providing proper clothing for him in accordance with the rules and regulations adopted by the commission, is a charge upon the county, or city and county, whence he is committed. Such costs include the fees of the medical examiners allowed by the judge ordering the commitment. If the person sought to be committed is not a poor or indigent person, the costs of the proceedings are a charge upon his estate, or must be paid by persons legally liable for his maintenance, unless otherwise ordered by the

When al-  
leged in-  
sane is not  
poor; costs.

judge. If the alleged insane person is adjudged not to be insane, the judge may, in his discretion, charge the costs of the proceedings to the person making the application for an order of commitment, and judgment may be entered against him for the amount thereof and enforced by execution.

2175a. No case of idiocy, imbecility, epilepsy, harmless chronic mental unsoundness, feeble-mindedness or acute mania a potu, as such, shall be committed to or confined in any state hospital for the care and treatment of the insane; *provided*, when any such person becomes insane he may be committed to a state hospital for the insane as in this act provided.

Idiots, etc., not admitted to insane hospital.

2176. The husband, wife, father, mother, or children of an insane person, if of sufficient ability, and the guardian of his estate, if it is sufficient for the purpose, must cause him to be properly and suitably cared for and maintained, and must pay the costs and charges of his commitment and transportation to a state hospital for the insane. The husband, wife, father, mother, or children of an insane person, if of sufficient ability, or the estate of such insane person to the extent it is sufficient for the purpose shall be liable for the care, support and maintenance of any insane person in a state hospital for the insane to which he has been or may hereafter be committed or transferred.

Costs of maintenance.

2177. The commission may inquire into the manner in which any insane person, not confined in a state hospital, is cared for and maintained; and if, in its judgment, he is not properly and suitably cared for, it may apply to a judge of the superior court for an order to commit him to a hospital under the provisions of this act. Such order must not be made unless the judge finds, and certifies in the order, that the insane person is not properly or suitably cared for by his relatives or guardian, or that it is dangerous to the public to allow him to be cared for and maintained by such relatives or guardian.

Inquiry relative to insane not in state hospitals.

2178. The district attorney in each county in which an order of commitment is made must, on the filing of a copy of such order with the county clerk, make diligent inquiry into the ability of the person committed to pay the charges and costs of his maintenance and care while in a state hospital, and must notify the secretary of the commission of the result of such inquiry.

Duty of district attorney.

2179. In case any person who has been or shall hereafter be committed to any state hospital for the insane, shall be or shall hereafter become the owner of any property, real or personal, the secretary of the state commission in lunacy, in case such insane person has no guardian, may apply to a court of competent jurisdiction for the appointment of a guardian of the estate of such insane person. In such application the district attorney of the county may act as attorney for such secretary.

Commission may apply for guardianship papers.

2180. The monthly rate for the care, support, maintenance and clothing of all insane patients at state hospitals for the insane, where there is liability to pay for such care,

Monthly rate for support.

support, maintenance and clothing, shall be fifteen dollars per month payable in advance; *provided, however*, the medical superintendent of a state hospital for the insane shall, on the order of the commission, reduce or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, maintenance and clothing of any insane person committed thereto and confined therein, on satisfactory proof that said estate or said relatives, as the case may be, are unable to pay the said sum of fifteen dollars per month. If any insane person die at any time, while his estate is liable for his care, support, maintenance and necessary clothing and other expenses at a state hospital, the claim for such amount as may be due, may be presented to the executor or administrator of his estate and paid in the same manner as are other debts and claims against the estate of a deceased person.

Claim may be presented to executor.

Duty of guardian of estate.

2181. If said insane person has sufficient estate for the purpose, it shall be the duty of the guardian of his estate to pay for his care, support, maintenance and necessary expenses at the hospital to the extent of the estate. Payment for said care, support, maintenance and expenses may be enforced by the order of the judge of the superior court where said guardianship proceedings are pending. On the filing of a petition therein by the secretary of the commission, showing that said guardian has failed, refused or neglected to pay for said care, support, maintenance and expenses, the court, by order, shall direct the payment by the guardian. Such order may be enforced in the same manner as are other orders of the court. If there is not at any time sufficient money on hand in the estate of said insane person to pay the claim of a state hospital for the care, support, maintenance and expenses of said insane person therein, the court may, on petition of the guardian of the estate, or if said guardian fails, refuses or neglects to apply, on the petition of the secretary of the commission, make an order directing the guardian to sell so much of the other personal or real estate or both, of said insane person as may be necessary to pay for the care, support, maintenance, clothing and expenses of said insane person at said hospital. From the proceeds of such sale the guardian shall pay the amount due for the care, support, maintenance, and expenses at said hospital, and also such other charges as are allowed by law. *Provided, however*, payment for the care, support, maintenance, clothing and expenses of any insane person at a state hospital shall not be exacted when such payment will, in any case, where there is a likelihood of such insane person recovering or being released from said hospital, reduce his estate to that extent, in the event of his discharge from the hospital, he is likely to become a burden on the community.

Relatives may be compelled to pay.

2182. If the insane person has no estate out of which payment of the amount fixed by section 2180 can be enforced, then his relatives made liable by section 2176 may be compelled to pay such amount by actions against them, or any of them, brought by the commission as in this act provided.

2183. All peace officers and other persons having similar duties relating to the insane poor are charged with the duty of seeing that all poor and indigent insane persons within their respective municipalities are speedily granted the relief conferred by this act, and when so ordered by a superior judge, must see that they are, without unnecessary delay, transferred to the proper state hospitals provided for their care and treatment. Before sending a person to any such hospital, they must see that he is in a state of bodily cleanliness and comfortably clothed with new clothes in accordance with the regulations prescribed by the commission. It may by order direct that any person whom it deems unsuitable therefor shall not be employed as an attendant for such insane person. After the patient has been delivered to the proper officers of the hospital, the care and custody of the county or municipality from which he is sent, cease.

Duty of peace officers to indigent insane.

2184. When the relatives, friends, or guardians of an insane person desire him to receive homeopathic treatment, he may be committed to the Southern California state hospital from any county of the state, in the discretion of the judge granting the order of commitment, if the crowded condition of that hospital does not preclude his admission to the detriment of other patients.

Homeopathic treatment.

2185. Except as in this chapter provided all patients admitted to a state hospital shall be duly committed thereto and shall be subject to the general rules and regulations of the hospital. The medical superintendent may, with the approval of the board of managers, enter into a special agreement, secured by a properly executed bond, with the relatives, guardian or friend of any patient therein, for his care, support, maintenance or other expenses at the hospital; said agreement and bond shall be to the people of the State of California and action to enforce the same may be brought thereon by the commission. All bills due under the provisions of this section shall be collected monthly. But no patient must be permitted to occupy more than one room in any state hospital, nor must any patient, his guardian, friends or relatives, be permitted to pay for his care and treatment therein, a sum greater than ten dollars per week.

Patients must be committed except by special agreement.

2185a. The commission may authorize the medical superintendent of any state hospital for the insane to admit thereto any insane soldier or sailor in the service of the United States, provided there is room therein, on such terms as may be agreed upon between the medical superintendent of the hospital and the properly authorized agents, officers or representatives of the United States government, and approved by the commission.

Insane soldiers or sailors.

2186. Every superintendent, or person in charge of a state hospital, must, within three days after the reception of a patient or patient, make or cause to be made a thorough physical and mental examination of such patient or inmate, and state the result thereof, on blanks prepared and exclusively set apart for that purpose. He must also make, or cause to be

Physical and mental examination of patients.

made, from time to time, examination of the mental state, bodily condition, and medical treatment of such patient or inmate, in such manner, and state its results, upon such blank forms, as shall be approved by the commission, during the time such patient or inmate remains under his care, and in the event of the death or discharge of such person, he must state, upon such blank forms, the circumstances thereof, and make such examinations at such other intervals of time and in such form as may be required by the commission.

Transfer of patients to another hospital.

2187. 1. When the building of any state hospital becomes overcrowded with patients or inmates, or the number of buildings is reduced by fire, or other casualties, or for other sufficient cause, the commission may, in its discretion, cause the transfer of patients or inmates therefrom or direct that patients or inmates required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in emergencies, temporary provision for their care, preference to be given in such transfer to a hospital in an adjoining rather than a remote district. The expense of such transfer is chargeable to the state, and the bills for the same, when approved by the commission, must be paid by the treasurer of state on the warrant of the controller, out of any moneys provided for the care or support of the insane.

May be transferred by request.

2. Patients may be transferred at the request of relatives or friends; *provided*, there is room in the hospital to which transfer is sought, but in case of transfers made as last provided the expense of such transfers shall be paid by such relatives or friends; *provided, further*, that transfers as last provided, shall not be made unless the consent of the commission and the medical superintendents of the hospitals from which and to which said transfer is to be made be obtained.

Inmates of home for feeble-minded may be transferred.

3. The commission, when it deems it necessary, may transfer any inmate of the home for feeble-minded for care and treatment to a state hospital for the insane for care and treatment therein and the counties, guardian, relatives or friends of such inmate shall be liable for his care, support and maintenance in said hospital for the insane in the same manner and to the same extent as under the commitment or terms of admission of said inmate to said home. The commission, when it deems it necessary, may transfer any patient in any state hospital for the insane to the said home for care and treatment therein. The estate, relatives or friends of such patient shall be liable for the care, support and maintenance of such patient at the said home in the same manner and to the same extent as at said hospital from which said patient was transferred.

Habeas corpus.

2188. Any one in custody as an insane or incompetent person is entitled to a writ of habeas corpus, upon a proper application made by the commission, by such person, a relative or friend in his behalf to the superior judge of the county in which the hospital is located. Upon the return of such writ, the fact of his insanity or incompetency must be inquired into and determined. The medical history of such person as it

appears in the clinical records, must be given in evidence, and the superintendent in charge of the state hospital wherein such person is held in custody, and any other person, must be sworn touching the mental condition of such person.

2189. The superintendent of a state hospital on filing his written certificate with the secretary of board of managers, may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows:

Discharge  
of patients.

1. A patient who, in his judgment, has recovered.

2. Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient. The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

Superintendent  
may refuse  
to discharge.

Court may  
order discharge.

3. The superintendent may grant a parole to a patient, not exceeding thirty days, under general conditions prescribed by the commission.

Parole.

4. A patient committed to a hospital under the provisions of chapter six, title ten, part two, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter six of the Penal Code.

Patients  
charged  
with  
crime.

5. The medical superintendent of a state hospital may on his own motion and must on the order of the commission, discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania a potu. Such person, when discharged, shall be returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the

Patients  
not insane;  
discharge  
of.



care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor. When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the medical superintendent thereof. Said medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained as herein provided.

Certificate of discharge to be filed with county clerk.

6. When any person is discharged as recovered from a state hospital a copy of the certificate of discharge duly certified by the secretary of the board of managers, may be filed for record with the clerk of the superior court of the county from which said person was committed. (The clerk shall record the same in a book kept for that purpose and shall keep an index thereof.) No fees shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such person as provided by sections seventeen hundred and sixty-three and seventeen hundred and sixty-four of the Code of Civil Procedure, such certificate, duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section seventeen hundred and sixty-six of the Code of Civil Procedure. The term patient as used in subdivisions one, two, three and six of this section shall be regarded as referring to and including inmates of the home for the feeble-minded.

Restoration to capacity.

Suitable clothing

2190. No patient or inmate must be discharged from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the steward must, upon the order of the superintendent, furnish the same and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

Escapes.

2190a. When any patient or inmate has escaped from any state hospital it shall be the duty of the sheriff of any county in which he may be found, to arrest said patient or inmate and deliver him to any person authorized by the medical superintendent to receive him.

Commitment of non-residents; duty of commission.

2191. If any order is issued by any judge, committing to a state hospital a poor or indigent person who has not acquired a legal residence in this state, the commission must return such person, either before or after his admission to a state hospital, to the country or state to which he belongs, and for such purpose may expend as much of the money appropriated for the care of the insane or incompetent as may be necessary, subject to the approval of the state board of examiners. The medical superintendent of a state hospital is required to immediately notify the commission if there is any question as to the propriety of the commitment or detention

of any person received at such hospital, and said commission upon such notification, shall inquire into the matter presented and take such action as may be deemed proper in the premises.

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital. The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the commission, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay its expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the board of managers may, with the approval of the commission, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home, the judge must make such orders as are requisite to secure the payment, by the county from which he is committed, to the state treasury, of the sum of ten dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, but in the absence of such order, or unless otherwise specially set forth therein, the signing and delivery by the judge of a commitment is prima facie evidence of the intent that the payment of such monthly support shall be a charge against the county, or city and county, from which the commitment was made.

Home for feeble-minded; procedure for admission.

Duty of judge.

Financial condition of parent.

Payment by county.

2193. All moneys received from counties for the support of inmates of the home for feeble-minded shall be used for the payments of all claims for the general support and maintenance of the hospital and the inmates therein, except for salaries, wages, contingent expenses of the officers, and expenses for supplies, buildings, improvements and other expenditures, the cost of which are defrayed from the contingent fund. Each county auditor must include in his state

Use of moneys received from counties.

Duty of county auditor and treasurer.

settlement report rendered to the controller in the months of May and December the amount due the state under this act by reasons of commitments to the home for feeble-minded; and the county treasurer, at the time of the settlement with the state in such months, must pay to the state treasurer, upon the order of the controller, the amounts found to be due to the state by reason of the commitments herein referred to.

Applicants may be admitted without commitment.

2194. The board of managers, when the accommodations of the home for feeble-minded permit, if such action does not conflict with the interests or welfare of committed cases or applicants awaiting admission, may admit, for any stated period of time, without judicial commitment, such persons as are before and hereinafter specified as eligible for admission, upon such terms of special payment, gift, bequest, donation, legacy, transfer of real or personal property, or other lawful procedure, as may appear to them to be to the best interests of the state, and may further secure to the said home for the time such persons so admitted are inmates of the home such revenue or compensation as fully covers the actual cost of the home for all care, treatment, education, and support therein involved. The moneys received for the use of the hospital as in this chapter provided shall be paid into the contingent fund of the hospital and may be expended by the managers as is provided in section twenty-one hundred and fifty-eight relating to the contingent funds of state hospitals. Actions to recover the amounts due under this section may be brought by the commission in the manner provided by section 2197 of this chapter.

Life tenure inmates not affected by act.

2195. Nothing in this chapter contained interferes with or affects the status of such inmates as may now be in the home for feeble-minded under terms of life tenure, or such other inmates as may be deemed by the management self-supporting by the value of their labor, or who may pay in whole or in part such sums as, in the judgment of the management, cover the cost of their support. For all cases the commission is authorized and directed to secure from the proper officers of the several counties whence the inmates were committed or received, such arrangements for commitment under the terms of this act as may prevent such inmates becoming a sole charge upon the state; and the commission is further authorized to discharge, at its discretion, any person whose support is unprovided for by the terms of this chapter.

Institutions other than state must procure license.

2196. No person, association, or corporation, must establish or keep an institution for the care, custody, or treatment of the insane, alleged insane or other incompetent persons referred to in this act for compensation or hire, without first obtaining a license therefor from the commission. Every application for such license must be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. The commission must not grant

any such license without first having made an examination of the premises proposed to be licensed. It must be satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted. The commission may at any and all times examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution, and opportunity for it to be heard, the commission, having made a record of the proceeding upon such hearing, may, if the interests of the inmates of the institution so demand, for just and reasonable cause then appearing, and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the license, as the commission determines. The authorities of each institution for insane persons or other incompetents must place on file in the office of the institution the recommendations made by the commissioners, as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits. Every private institution for the care and treatment of insane or other incompetent persons referred to in this chapter shall keep records of every person admitted thereto, in the same manner and form prescribed for state hospitals, and shall furnish to the commission when required the facts mentioned in subdivision seven of section twenty-one hundred and forty-two. The commission or any member thereof may at such times as such commission or commissioners choose visit and examine any hospital or institution caring for and treating insane, alleged insane, or incompetent persons. In making such visits or examination, said commission or any member thereof shall exercise the same powers as are conferred on them by section twenty-one hundred and forty-three of this chapter. If any person or persons shall carry on or conduct or attempt to carry on or conduct an institution for the care or treatment, or for the care and treatment of the insane or alleged insane, or incompetents without first obtaining a license from the state commission in lunacy, as in this chapter provided, such person or persons shall be deemed guilty of a misdemeanor for each violation of the provisions of this section, and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

Duty of  
commission.Duty of in-  
stitution.Penalty for  
conduct-  
ing with-  
out license.

2197. The commission may in its own name bring an action to enforce payment for the cost of determining the insanity of any person and securing his admission into a state hospital when his estate or any person is liable for the same, or to recover for the use and benefit of any state hospital the amount due for the care, support, maintenance and expenses

Actions to  
enforce  
payments.

of any patient or inmate therein, against any county, person, guardian or relative liable for such care, support, maintenance and expenses.

Existing  
statutes  
continued.

2198. The provisions of this chapter and every amendment thereto, so far as they are the same as existing statutes or the common law must be regarded as continuations thereof, and not as new enactments.

Prior ac-  
tions not  
affected.

2199. No action or proceeding commenced before this chapter or any amendments thereto, takes effect, and no rights accrued are affected by its provisions. Any action or proceeding commenced before this chapter or any amendment thereto takes effect for the enforcement of any right, liability or obligation accruing before this chapter or any amendment thereto takes effect may be maintained and prosecuted to final determination in the manner and form in which the same was brought. After this chapter takes effect all actions or proceedings brought for the enforcement of such rights, liabilities and obligations must conform to the provisions of this chapter as far as applicable.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

In effect.

SEC. 3. This act shall take effect and be in force immediately; *provided*, that the provisions thereof, so far as they relate to the home for feeble-minded and incompetent persons other than insane persons, shall not take effect until July first, nineteen hundred and three.

## CHAPTER CCLXV.

*An act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara county, California.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for support of ex-army nurses, etc.

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended for the support and maintenance of ex-army nurses and indigent widows, wives and mothers, and dependent daughters and sisters of Union veterans, who served honorably in the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara county, California.

Woman's Relief Corps Home to supervise fund.

SEC. 2. All expenditures for such support and maintenance shall be under the supervision of the board of directors of the Woman's Relief Corps Home Association of California, and in accordance with the provisions of "An act to assist the

Woman's Relief Corps Home Association to provide for ex-army nurses, and the worthy destitute widows, wives, mothers, and destitute maiden daughters or sisters of veterans who served honorably in the war for the Union, and making an appropriation therefor," approved April first, eighteen hundred and ninety-seven, so far as the same are applicable, and bills therefor when properly approved by the said board, shall be presented to the state board of examiners, and when allowed by said last named board, the state controller shall draw his warrants therefor, against this appropriation, and the state treasurer shall pay the same.

SEC. 3. Not more than one half of the amount appropriated under this act, shall be expended during each of the next two fiscal years, except that out of the first fiscal year's proportion, any bills accrued for the purposes in this act mentioned, and during the period between January first, nineteen hundred and three, and July first, nineteen hundred and three, may be paid. When may be expended.

SEC. 4. This act shall take effect July first, nineteen hundred and three. In effect.

## CHAPTER CCCLXVI.

*An act to provide for locating and surveying a proposed highway from a point on the Trinity river, in Trinity county, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt county, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of eighteen hundred dollars (\$1800.00), for the purpose of locating and surveying a proposed highway from a point on the Trinity river, in Trinity county, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt county. Appropriation to survey state highway.

SEC. 2. The survey above mentioned is hereby placed under the management and control of the department of highways, of the State of California, and said department shall assume the entire management and control of said survey for said proposed highway. It shall furthermore be the duty of said department to locate and survey said proposed highway upon the best grades and alignments which the topography of the country traversed will permit, and in consonance with the best interests of the state, and the work of locating and surveying shall be prosecuted as rapidly as possible. Department of highways to control survey.

When  
money  
available.

SEC. 3. The money appropriated under the provisions of this act is hereby made available on and after January first, nineteen hundred and four. The state controller is hereby instructed and directed to draw his warrants at such time and in such amounts as the department of highways may present claims for. Said warrants shall be drawn in favor of the highway commissioner, and the state treasurer is hereby directed and instructed to pay said warrants, and the said highway commissioner shall distribute the same.

SEC. 4. All acts or part of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

#### CHAPTER CCCLXVII.

*An act making an appropriation of \$6,000, for improving and grading the grounds of the affiliated colleges of the University of California, in the city and county of San Francisco, and prescribing the duties of the controller and the treasurer in relation thereto.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to improve grounds of affiliated colleges.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six thousand dollars, to be expended by the regents of the University of California, for the purpose of improving and grading the grounds of the affiliated colleges of the University of California, in the city and county of San Francisco.

Duty of controller.

SEC. 2. The controller is hereby directed to draw his warrant in favor of the treasurer of the University of California for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same.

How work shall be done.

SEC. 3. The work provided for in this act shall be done and performed under the provisions of an act entitled "An act to amend an act entitled 'An act to create and organize the University of California,' approved March twenty-third, eighteen hundred and sixty-eight, and an act amendatory of section twenty-five thereof approved March twenty-eight, eighteen hundred and seventy-two, relating to the construction of buildings," approved March third, eighteen hundred and seventy-seven.

In effect.

SEC. 4. This act shall be in effect from and after the first day of July, 1903, when one half of the amount herein appropriated shall be available, and the remaining amount herein appropriated shall be available from and after the first day of July, 1904.

## CHAPTER CCCLXVIII.

*An act appropriating money to the auditing board to the commissioner of public works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of two hundred thousand dollars, to be paid to the auditing board to the commissioner of public works, and to be expended for the purpose of performing the work and purchasing such tools, machinery, and appliances as may be necessary, and employing such persons in and about said work as may be necessary, for the purpose of improving the river channels of the state; *provided, however,* that no part of the sum hereby appropriated shall be used to purchase rights of way; *provided, however,* that before any contract is awarded for any said work or any money expended therefor, the work to be done shall be approved by the officers of the United States government, having charge of river work in California; *and provided also,* that it shall be necessary to receive the sanction of the governor to any said work before any contract is let or money expended therefor.

Appropriation for improving river channels of state.

Approval of work and contracts.

SEC. 2. It shall not be necessary to obtain the sanction of any other board or officer for the doing of any work or the letting of any contract herein specified except as in this act provided. All claims for work, labor, or materials, shall before being paid be audited by the state board of commissioners as provided for by law.

Claims.

SEC. 3. Of the sum of money herein appropriated one half shall be payable and available upon the 2nd day of July, 1903, the other half on the 2nd day of July, 1904.

When available.

SEC. 4. The controller is hereby directed to draw his warrant in favor of said auditing board for the amount appropriated by this act, and the treasurer is hereby directed to pay the same; not however before the time as in this act specified.

SEC. 5. This act shall take effect immediately from and after its passage.



## CHAPTER CCCLXIX.

*An act making an appropriation of \$5000 to pay the claim of Frank H. Short for legal services rendered the state.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Frank H. Short.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand (\$5000) dollars to pay the claim of Frank H. Short for legal services rendered the state in relation to various suits between the board of railroad commissioners and certain railroads. Said Frank H. Short was regularly engaged by said state board of railroad commissioners and his claim for \$5000 is regularly approved by said commission and by the state board of examiners.

SEC. 2. The controller is hereby directed to draw his warrant for the amount herein made payable, upon proper demands audited by the state board of examiners, and the treasurer is directed to pay the same.

In effect.

SEC. 3. This act shall take effect from and after January 1, 1904.

## CHAPTER CCCLXX.

*An act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation for water system, Preston School of Industry.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of eight thousand dollars for the maintenance and improvement of the water system at the Preston School of Industry, and for the construction of a settling reservoir.

Duty of controller.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the said board of trustees of the Preston School of Industry, for the amount appropriated by section one of this act, and the state treasurer is hereby directed to pay the same out of said appropriation.

Auditing of bills.

SEC. 3. All bills for improvements, repairs, and construction shall first be audited by the board of trustees of the Preston School of Industry and be approved by the state board of examiners before being paid.

SEC. 4. This act shall take effect immediately.

## CHAPTER CCCLXXI.

*An act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There shall be erected upon the lands belonging to the state in connection with the State Prison at Folsom a building of sufficient capacity to accommodate the insane prisoners of the state prisons of the state, the same to be constructed under the direction of the board of state prison directors, upon plans submitted to and approved by the state commission in lunacy, which will have inspectory power over the institution when completed. Upon the completion of said building all insane prisoners now confined in the state prisons and all prisoners convicted of a felony in any state hospital shall by the proper authorities be transferred thereto.

Erection of building for insane prisoners at Folsom.

SEC. 2. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the erection and furnishing of said building.

Appropriation.

SEC. 3. The controller of state shall draw warrant from time to time, as the work shall progress, in favor of the board of prison directors, upon their requisition for the same, and the state treasurer is hereby directed to pay the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CCCLXXII.

*An act to appropriate the sum of four hundred dollars to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the superior court of the State of California, in and for the county of Merced.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of four hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in

Appropriation to pay judgment of John E. Tucker.

an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the superior court of the State of California, in and for the county of Merced; *provided, however,* that no warrant shall be drawn or paid under the provisions of this act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

**When payable.**

**Conditions of payment.** SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the controller of a satisfaction of judgment, properly executed by the said John E. Tucker, judgment creditor herein, or such judgment creditor's successor in interest, the controller is hereby authorized and directed to draw his warrant upon the treasurer in favor of John E. Tucker, or his assigns, for the amount of said judgment, to wit: the sum of four hundred dollars, and the treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

**In effect.** SEC. 3. This act shall take effect and be in force from and after January 1st, 1905.

## CHAPTER CCCLXXIII.

*An act appropriating five thousand dollars to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

**Appropriation for erection of warehouse at San Quentin.** SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to be expended by the state board of prison directors for the purpose of erecting a warehouse for the storage of jute at the State Prison at San Quentin, California.

SEC. 2. The state controller is hereby directed to draw his warrants for the sum of five thousand dollars, in favor of the directors of the said state prison at San Quentin, upon their requisition for the same and the state treasurer is hereby directed to pay the same.

**In effect.** SEC. 3. This act shall take effect from and after July 1, 1903.

## CHAPTER CCCLXXIV.

*An act making an appropriation to pay the claim of the county of Marin against the State of California.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of three thousand forty-six and seventy-five one-hundredth dollars (\$3046.75) or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of the county of Marin against the State of California. Appropriation to pay claim of Marin county.

SEC. 2. The controller of state is hereby directed to draw his warrant in favor of the county of Marin in the sum of three thousand forty-six and seventy-five one-hundredths dollars (\$3046.75), or for so much thereof as may be necessary to pay the claim of said county which the state board of examiners may determine to be a just and legal charge against the State of California, and the state treasurer is hereby directed to pay the same. Duty of controller.

SEC. 3. This act shall take effect and be in force July first, nineteen hundred and four. In effect.

## CHAPTER CCCLXXV.

*An act appropriating money, to pay the claim of W. H. Murray, state superintendent of ramie culture.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of one thousand three hundred dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the claim of W. H. Murray, state superintendent of ramie culture, as shown in the report of the state board of examiners for the year eighteen hundred and ninety-three. Appropriation to pay claim of W. H. Murray.

SEC. 2. The controller of state is hereby directed to draw his warrant for the sum in this act appropriated as herein specified, and the state treasurer is hereby directed to pay the same, as herein ordered.

SEC. 3. This act shall take effect July 5th, 1904.

In effect.

## CHAPTER CCCLXXVI.

*An act to amend an act entitled "An act to regulate the practice of architecture, approved March 23, 1901," adding a new section thereto to be numbered section 7, relating to an annual license fee.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. An act to regulate the practice of architecture, approved March 23, 1901, is hereby amended by adding a new section thereto to be numbered section 7.

Annual li-  
cense fee of  
architects.

Section 7. Each regularly certificated architect shall pay an annual license fee of five dollars, said fee to be paid to the secretary of the board of the district of which he shall be a resident, and shall be payable in advance on January 1, and shall become delinquent the 1st day of April, of each year, after which date it shall be delinquent, and the certificate of such architects who shall fail to pay their license fees by April 1 of each year, shall be subject to cancellation by said district board, and notice of such cancellation shall be sent to each county recorder of the State of California and to the secretary of state, as provided in section 5 of the act to regulate the practice of architecture, approved March 23, 1901, for cancellation of certificates. And the secretary of the said district shall issue a receipt signed by the president and secretary of the district, and under the seal of the district board, to each architect paying said license fee, showing that said certificated architect has paid his annual license fee, which license receipt shall be displayed in a prominent place in the office of said architect. The fees so collected shall be used to meet the expenses of the state board of architecture.

Receipt for  
fees.

SEC. 2. This act shall take effect immediately.

## CHAPTER CCCLXXVII.

*An act for the protection of the viticultural interests of the state, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The regents and the president of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in addition to the work heretofore carried on by the agricultural experiment

Experi-  
mental  
work in  
viticul-  
ture.

station, experimental and research-work in the field of viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptation of the various kinds of vines to the several climatic and soil conditions of the state, with the special reference to those stocks for propagating purposes, resistant to the phylloxera, and to further their adaptability and utility as grafting stocks for producing wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines, together with the most important methods of vinification and the preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the utilization of the by-products of the vineyard and winery, the study and treatment of the vine diseases and all matters appertaining to the viticultural industry, pertinent to the successful conduct of the business and that may be of general public interest, use and profit. They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable and not less than two bulletins showing the progress and result of the work, shall be issued in any fiscal year.

Utilization  
of by-  
products of  
vineyards.

Publish  
results.

SEC. 2. The sum of three thousand dollars (\$3,000) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act; said money to be paid to the regents of the University of California, to be expended by them through the agricultural department of the university during the two years beginning July 1, 1903. The comptroller of the state is hereby directed to draw his warrant for such payments as requested by said regents of the State University of California, and the treasurer of the state is hereby directed to pay the same.

Appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER CCCLXXVIII.

*An act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga road" at or near the "Tioga mine," and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-five thousand dollars (\$25,000), for the purpose of constructing the unfinished part of the free wagon road from Mono

Appropriation for construction of free wagon road.

Lake Basin to and connecting with a wagon road called "Tioga road" at or near the "Tioga mine."

Duty of  
depart-  
ment of  
highways.

SEC. 2. It shall be the duty of the department of highways to begin such work of construction as soon as the money appropriated is available therefor.

SEC. 3. The money appropriated under the provisions of this act shall be paid by the state treasurer upon the warrant drawn by the controller in favor of the state highway commissioner.

In effect.

SEC. 4. This act shall take effect and be in force from and after January first, 1904.

### CHAPTER CCCLXXIX.

*An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Commis-  
sioner of  
horticul-  
ture.

SECTION 1. The office of state commissioner of horticulture of California is hereby created. It shall be the duty of the governor, within forty days after the passage of this act, to appoint a citizen and resident of this state to hold said office of state commissioner of horticulture, who must at the date of his appointment be a skilled horticulturist and entomologist. The term of office shall be for four years, and until a successor is appointed and qualified. The governor may remove such commissioner from office at any time, upon filing with the secretary of state a certificate of removal signed by the governor. In case of a vacancy in said office by death, resignation, removal from office, or other cause, the governor shall fill the vacancy for the unexpired term. The salary of said commissioner shall be two hundred and fifty dollars per month, and he shall be allowed in addition a sum not to exceed five hundred dollars yearly for traveling and incidental expenses necessary in the discharge of his duties herein provided for. Such commissioner may appoint a clerk at a salary of one thousand five hundred dollars per year, who shall perform the duties required of him by such commissioner. In appointing such commissioner and his successor or successors, it shall be the duty of the governor

Qualifica-  
tions.

Salary.

Expenses.

Clerk.

Duty of  
governor.

to disregard political affiliations, and be guided in his selection entirely by the professional and moral qualifications of the person so selected for the performance of the duties of said office. The office of said commissioner shall be kept open every day except holidays, and shall be in charge of the clerk during the absence of such commissioner. The main office of such commissioner shall be at the city of Sacramento. The secretary of state shall furnish and set aside in the capitol a room or rooms suitable for offices for said commissioner, and if the secretary of state shall make and file an affidavit with the said commissioner stating that it is not possible for him, as such secretary of state, to provide and set aside an office for said commissioner in the capitol, or in any state building under his control, because there is no such office room or rooms available, then, and after the making and delivery of such affidavit to such commissioner, the said commissioner may rent rooms convenient and suitable for his offices under this act, at a rental not to exceed five hundred dollars per year. Said commissioner may also keep and maintain an office in the city and county of San Francisco at a yearly rental not to exceed the sum of five hundred dollars, and may appoint a deputy commissioner who shall be an expert entomologist and horticulturist, to have charge of said office under said commissioner, and to perform any and all duties which said commissioner may require of him under this act, and shall fix the monthly compensation of such deputy at \$200 per month. Such deputy shall hold his position during the pleasure of such commissioner, and may be removed from his office or position at any time by said commissioner filing with the secretary of state a certificate signed by said commissioner so removing such deputy. Said commissioner may also appoint, by and with the approval of the governor, such temporary deputies from time to time as may be required for quarantine purposes under this act, and such temporary deputies shall receive such compensation per diem as may be specified in the writing so approving such appointment. If there be not sufficient furniture and office appliances turned over to such commissioner by the state board of horticulture heretofore existing, to furnish and equip properly the office or offices for such commissioner at Sacramento and San Francisco aforesaid, the said commissioner may, by and with the approval of the governor, purchase for the use of his said office or offices such furniture and appliances as may be necessary therefor, and from time to time, at an expense not to exceed a sum to be mentioned in such approval, which expense, together with all other expenses authorized by this act, is hereby allowed for the purposes specified.

Sec. 2. Upon taking office under this act such commissioner shall be entitled to receive and have turned over to him as such commissioner all the books, records, and property in the possession, charge, custody or control of the state board of horticulture heretofore existing, and all such property shall be delivered to such commissioner upon demand. Such commissioner shall be deemed for such purposes the successor of said board.

Main office.

May rent office rooms.

Deputy commissioner.

Salary.

Temporary deputies.

Purchase of office furniture.

Books, etc., of prior board.



General duties of commissioner.

SEC. 3. Such commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to horticulture, and shall preserve the same; collect statistics and other information showing the actual condition and progress of horticulture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with the county boards of horticulture existing or that may exist in this state, and with all other persons necessary to secure the best results to horticulture in this state. He shall require reports from county boards of horticulture in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual report, or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county boards of horticulture in this state, and to all other persons whom he may deem proper, bulletins or statements containing all the information best adapted to promote the interest and protect the business and development of horticulture in this state. Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in chapter seventy-six of the laws of eighteen hundred and ninety-nine, for the purposes of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; *provided*, that any inspection therein authorized, when made by such commissioner, must be with the approval of the governor, and as provided by this act.

State quarantine officer.

Commissioner may establish and enforce quarantine regulations.

SEC. 4. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the nurseries, trees, shrubs, plants, vines, cuttings, grafts, cions, buds, fruit-pits, fruit, vegetables, or other articles of horticulture, against contagion or infection by injurious disease, insects or pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any infected stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable, or other article of horticulture, from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or by a deputy appointed in writing by said commissioner with the approval of the governor, and he or the deputy so conducting such inspection shall not permit any such article to pass over such a quarantine line during such quarantine, except upon a certificate of inspection signed by such commissioner or in his name by such a deputy who has made such inspection, unless such article has been immediately prior to such passage inspected by an officer or agent of the United States entitled to inspect the same, and such officer or agent has granted permission for such passage. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary

Inspection

Certificates of inspection.

of state and the other in the office of said commissioner before such approval shall take effect.

SEC. 5. Upon information received by such commissioner of the existence of any infectious disease, insect or pest, dangerous to any such article, or to the interest of horticulture within this state, or that there is a probability of the introduction of any such infectious disease, insect or pest into this state or across the boundaries thereof, he shall proceed to thoroughly investigate the same, and may, by and with the approval of the governor, establish, maintain and enforce quarantine as hereinbefore provided, with such regulations as may be necessary to circumscribe and exterminate or eradicate such infectious diseases, insects or pests, and prevent the extension thereof, and is hereby authorized to enter upon any grounds or premises, and inspect any stock, tree, shrub, plant, vine, cutting, graft, cion, bud, fruit-pit, fruit, vegetable, or other article of horticulture, or implement thereof, or box or package pertaining thereto, or connected therewith, or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this act.

Investigation of infectious diseases.

SEC. 6. Upon the discovery of any such infectious disease, insects or pests, such commissioner shall immediately report the same to all county boards of horticulture, together with a statement as to the best known means or method for circumscribing, exterminating or eradicating the same, and shall state therein specifically what treatment or method should be applied in each case, as the matter may require, with a detailed statement or prescription as to the method of making or procuring, and of applying any preparation or treatment so recommended therefor, and the times and duration for such treatment, and if chemicals or articles be required other than those usually obtainable at any town, the place or places where they are most readily to be obtained; and upon the receipt of such statement by any county board of horticulture, or any member thereof, it shall be the duty of such county board of horticulture to distribute such statement in printed form to every person owning or having charge or possession of any orchard, nursery stock, tree, shrub, or article of horticulture within their county, where it is supposed by said county board there is any danger to the interests of horticulture, and such a statement must be served with or be a part of the notice to be given to the owner or owners, or person or persons, in possession of any orchard, nursery, tree, shrub, or article of horticulture, referred to, provided for, and required to be served in and by section two of chapter one hundred and eighty-three of the laws of eighteen hundred and ninety-seven, or any amendments which have been or may be made thereto.

Reports to county boards.

Duty of county boards.

SEC. 7. Whenever it shall become necessary to establish quarantine under this act, if there be any authorities or officers of the United States having authority to act in such matter, or any part thereof, the said state commissioner of horticulture

To cooperate with U. S. officers.

shall notify such authority or officers of the United States, and cooperate as far as possible with such authorities or officers of the United States wheresoever the jurisdiction of the United States extends and is being exercised, and shall obtain, whenever desirable and possible, the assent of the proper authority or officers of the United States to the establishment or change of quarantine lines, so as to most effectively and speedily accomplish the purposes of this act. The said commissioner shall at once notify the governor of all quarantine lines established under or pursuant to this act, and if the governor approve or shall have approved of the same or any portion thereof, the governor shall issue his proclamation proclaiming the boundaries of such quarantine, and the nature thereof, and the orders, rules or regulations prescribed for the maintenance and enforcement of the same, and shall publish such proclamation in such manner as he may deem expedient to give proper notice thereof.

Quarantine proclamation.

Commissioner ex officio member of county boards.

SEC. 8. The said state commissioner shall be ex officio a member of all county boards of horticulture existing or that may be created or exist in this state pursuant to law, whenever he is present and acting with said county board within the county where such county board exists, but when he is not so present in such a county, acting with such county board, then the said county board shall have all the power and authority conferred on it by law, and may exercise such power by the action of the members of such county board or a majority thereof. The reports which county boards of horticulture are required by law to make, or which they may desire to make, shall, after the passage of this act, be made to the state commissioner of horticulture.

Printing and stationery.

SEC. 9. It shall be the duty of the superintendent of state printing to print and deliver to the state commissioner of horticulture, upon the written request of said commissioner, all such bulletins, orders, rules, regulations, statements, reports, and other printed matter, as the said commissioner may deem necessary to have and use for carrying out the purposes of this act, and it shall be the duty of the secretary of state to cause to be prepared and furnished to such state commissioner all stationery, paper, blank forms, envelopes, and writing material needful and convenient for use in the office of such commissioner.

Annual reports.

SEC. 10. It shall be the duty of said state commissioner to report in the month of January in each even-numbered year to the governor, and in each odd-numbered year to the legislature of this state, such matters as he may deem expedient or as may be required either by the governor or legislature, and to include a statement of all the persons employed, and of moneys expended under this act, by itemized statement thereof.

Violation of act a misdemeanor.

SEC. 11. Any person willfully refusing to comply with orders lawfully made under and pursuant to this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars.

Expenses; how paid.

SEC. 12. All moneys paid under this act shall be paid by the state treasurer from moneys appropriated for the support of the

state commissioner of horticulture, and expenses other than the salary of the commissioner, the compensation of his clerk and deputy commissioner, as allowed and provided by this act, must be certified by the said commissioner and be approved by the state board of examiners before being audited or paid. Any moneys remaining of any appropriation heretofore made or that may be appropriated for the use or support of the state board of horticulture are hereby appropriated to the support of the state commission of horticulture, and are directed to be applied to the payment of claims and expenses under this act.

SEC. 13. The sum of four thousand dollars is hereby appropriated for the use and support and to pay the expenses of the state commission of horticulture for the fiscal years commencing July first, nineteen hundred and three, and July first, nineteen hundred and four, under this act. Appropriation.

SEC. 14. Chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one, are hereby repealed. Acts repealed.

SEC. 15. This act shall take effect immediately.

## CHAPTER CCCLXXX.

*An act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The following sums of money are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years: Appropriations for support of state government.

For per diem and mileage of lieutenant-governor and senators, twenty-one thousand five hundred dollars. Legislature.

For per diem and mileage of assemblymen, forty-two thousand dollars.

For pay of officers and clerks of the senate, twenty-one thousand dollars.

For pay of officers and clerks of the assembly, twenty-eight thousand dollars.

For contingent expenses of the senate, eleven thousand dollars.

For contingent expenses of the assembly, fifteen thousand dollars.

For salaries of justices of the supreme court, eighty-four thousand dollars. Supreme court.

Superior  
judges.

For state's portion of salaries of judges of superior courts, three hundred and twenty-nine thousand five hundred dollars.

Clerk of  
supreme  
court.

For salary of clerk of the supreme court, six thousand dollars.

For salary of chief deputy clerk of the supreme court, forty-eight hundred dollars.

For salaries of deputy clerks of the supreme court, eighteen thousand dollars.

For salary of stenographer to clerk of supreme court, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to clerk of supreme court, thirty-two hundred dollars.

Officers,  
etc.,  
supreme  
court.

For salary of reporter of decisions, supreme court, five thousand dollars.

For salary of deputy reporter of decisions, supreme court, four thousand eight hundred dollars.

For salary of secretaries, supreme court, nine thousand six hundred dollars.

For salaries of bailiffs, and performing the work of porter supreme court, six thousand dollars.

For pay of porter for office, clerk of supreme court, nine hundred and sixty dollars.

For postage and contingent expenses, supreme court, two hundred and fifty dollars.

For postage and contingent expenses, clerk of supreme court, one thousand five hundred dollars.

For expenses of supreme court, under section forty-seven, Code of Civil Procedure, thirty-five thousand eight hundred dollars.

For salary of phonographic reporters, supreme court, ten thousand eight hundred dollars.

For salary of librarian, supreme court library, three thousand dollars.

For postage and contingent expenses, supreme court commissioners, one hundred and fifty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the supreme court commissioners, three hundred dollars.

Governor.

For salary of governor, twelve thousand dollars.

For salary of private secretary to governor, eight thousand dollars.

For salary of executive secretary to governor, five thousand two hundred dollars.

For salary of stenographer or stenographers to governor, three thousand two hundred dollars.

For pay of messenger to governor, two thousand four hundred dollars.

For special contingent expenses (secret service), governor's office, exempt from provisions of section four hundred and thirty-three and six hundred and seventy-two of the Political Code, ten thousand dollars.

For postage, expressage, telegraphing, traveling, and contingent expenses, governor's office, five thousand five hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the governor's office, one thousand two hundred and fifty dollars.

For payment of rewards offered by the governor, one thousand five hundred dollars.

For payment of rewards offered by the governor, illegal voting, five hundred dollars.

For payment of rewards for arrest and conviction of highway robbers, one thousand five hundred dollars.

For arresting criminals without the state, five thousand dollars.

For salary of secretary to state board of examiners, six thousand dollars. State board of examiners.

For salary of assistant to secretary state board of examiners, three thousand six hundred dollars.

For salaries of clerks to state board of examiners, eleven thousand two hundred dollars.

For traveling expenses of state board of examiners, one thousand eight hundred dollars.

For postage, expressage, telegraphing, and contingent expenses, state board of examiners, eight hundred dollars.

For pay of porter, state board of examiners, nine hundred and sixty dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office for the state board of examiners, five hundred dollars.

For salary of secretary of state, six thousand dollars.

Secretary of state.

For salary of deputy secretary of state, four thousand eight hundred dollars.

For salary of bookkeeper, secretary of state's office, four thousand dollars.

For salary of statistician, secretary of state's office, four thousand dollars.

For salary of clerks, secretary of state's office, sixteen thousand dollars.

For salary of keeper of the archives, secretary of state's office, four thousand dollars.

For salary of janitor, secretary of state's office, four thousand dollars.

For salary of clerk to janitor, secretary of state's office, three thousand two hundred dollars.

For salary of two special clerks to be expended during the fifty-sixth fiscal year, secretary of state's office, seven hundred and fifty dollars.

For salary of porter, secretary of state's office, one thousand four hundred and forty dollars.

For postage, expressage and telegraphing, secretary of state's office, three thousand five hundred dollars.

For contingent and traveling expenses, secretary of state's office, five hundred dollars.

For purchase of ballot paper, secretary of state's office, ten thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, ten thousand dollars.

Constitutional amendments.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the secretary of state, to be used for the purpose of printing and distributing constitutional amendments, one thousand two hundred dollars.

Blue book.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office, to the secretary of state, to be used for the compiling and publication of blue book, exempt from section four of this act, nine thousand five hundred dollars.

Stationery, fuel, etc.

For stationery, fuel, lighting, and other necessary supplies for the legislature and state officers, twenty-five thousand dollars.

Capitol building and grounds.

For purchase of carpets and furniture, exempt from the provisions of section four of this act, three thousand dollars.

For purchase of implements and hose and care and improvement of grounds, exempt from the provisions of section four of this act, ten thousand dollars.

For repairs to capitol building and furniture, exempt from the provisions of section four of this act, ten thousand dollars.

For pay of employes of state capitol building and grounds, fifty-three thousand one hundred and sixty dollars.

For salaries of policemen capitol grounds, seven thousand two hundred dollars.

For salaries of elevator attendant, engineer and fireman, serving during session of legislature, to be used during the fifty-sixth fiscal year, eight hundred and seventy dollars.

For lighting state capitol grounds, one thousand seven hundred and twenty-eight dollars.

For water for state capitol grounds, two thousand four hundred dollars.

For water for state capitol building, one thousand two hundred dollars.

Indexing laws.

For indexing (with marginal notes) laws and resolutions, as required by section four hundred and eight of the Political Code, to be used during the fifty-sixth fiscal year, five hundred dollars.

Controller;

For salary of controller, six thousand dollars.

For salary of deputy controller, four thousand eight hundred dollars.

For salary of bookkeeper, controller's office, four thousand dollars.

For salary of expert, controller's office, four thousand dollars.

For salaries of clerks, controller's office, sixteen thousand dollars.

For pay of porter, controller's office, nine hundred and sixty dollars.

For postage, expressage and telegraphing, controller's office, one thousand six hundred dollars.

For contingent and traveling expenses, controller, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the controller, five thousand dollars.

For salary of treasurer, six thousand dollars.

Treasurer.

For salary of deputy treasurer, four thousand eight hundred dollars.

For salary of bookkeeper, treasurer's office, four thousand dollars.

For salary of clerk, treasurer's office, three thousand two hundred dollars.

For salaries of watchmen, treasurer's office, seven thousand two hundred dollars.

For pay of porter, treasurer's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing, traveling and contingent expenses, treasurer, eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the treasurer, eight hundred dollars.

For salary of attorney-general, six thousand dollars.

Attorney-general.

For salary of assistant attorney-general, five thousand four hundred dollars.

For salaries of deputies attorney-general, fourteen thousand four hundred dollars.

For salaries of clerks, attorney-general's office, nine thousand six hundred dollars.

For salary of stenographer, attorney-general's office, three thousand six hundred dollars.

For pay of porter, attorney-general's office, nine hundred and sixty dollars.

For postage, expressage, telegraphing and contingent expenses, attorney-general's office, two thousand dollars.

For traveling expenses, attorney-general, one thousand dollars.

For costs and expenses of suits wherein the state is a party in interest, four thousand dollars.

For office rent in San Francisco, attorney-general, two thousand four hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the attorney-general, five thousand two hundred dollars.

For purchase of law books, one thousand dollars.

For salary of surveyor-general, six thousand dollars.

Surveyor-general.

For salary of deputy surveyor-general, four thousand eight hundred dollars.

For salaries of clerks, surveyor-general's office, and register state land office, twelve thousand eight hundred dollars.

For pay of porter, surveyor-general's office, nine hundred and sixty dollars.

For postage, expressage and telegraphing, surveyor-general's office, one thousand two hundred dollars.



For contingent expenses, surveyor-general's office, five hundred dollars.

For purchase of and copying maps and records, surveyor-general's office, three thousand dollars.

For traveling expenses of surveyor-general and attorney-general, when engaged in contests between the state and the United States, and other state business in relation to lands, five hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the surveyor-general, one thousand dollars.

Superintendent of public instruction.

For salary of superintendent of public instruction, six thousand dollars.

For salary of deputy superintendent of public instruction, four thousand eight hundred dollars.

For salary of clerk, superintendent of public instruction's office, three thousand two hundred dollars.

For salary of clerk and stenographer, superintendent of public instruction's office, two thousand four hundred dollars.

For clerical assistance in superintendent of public instruction's office in distributing state school books, four thousand dollars.

For pay of porter, superintendent of public instruction's office, nine hundred and sixty dollars.

For postage, expressage and telegraphing, superintendent of public instruction, one thousand eight hundred dollars.

For contingent and traveling expenses (including traveling expenses under section fifteen hundred and thirty-two Political Code), three thousand two hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office, to the superintendent of public instruction, twelve thousand dollars.

State librarian.

For salary of state librarian, six thousand dollars.

For salaries of two deputies, state librarian, seventy-two hundred dollars.

Adjutant-general.

For salary of adjutant-general, six thousand dollars.

For salary of assistant adjutant-general, forty-eight hundred dollars.

For salary of clerk, adjutant-general's office, thirty-two hundred dollars.

For salary of additional clerk, adjutant-general's office, twenty-four hundred dollars.

For postage, expressage, telegraphing, and telephoning, one thousand dollars.

National guard.

For care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the adjutant-general, five thousand dollars.

For target practice and purchase of medals, national guard, twelve thousand dollars.

For allowance for headquarters, brigadier-general, three thousand dollars.

For allowance for regimental headquarters and bands, fourteen thousand and eighty-eight dollars.

For armory rents and other expenses of the unattached companies of the national guard, eighteen hundred dollars.

For traveling expenses and per diem of officers on detail duty, national guard, six thousand dollars.

For hospital supplies, national guard, three thousand dollars.

For furnishing coal and other supplies and for repairs, training ship "Marion," three thousand dollars.

For furnishing coal and other supplies and for repairs, training ship "Pinta," two thousand dollars.

For purchase of uniforms and equipments for the national guard and naval militia, exempt from the provisions of section four of this act, thirty thousand dollars.

For encampment national guard and naval militia, exempt from the provisions of section four of this act, thirty thousand dollars.

For armory rents and other expenses of the national guard, one hundred and seventy-four thousand dollars.

For allowance state armorer and porter, eighteen hundred dollars.

Allowance for courts-martial, two thousand dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the adjutant-general, three thousand dollars.

For salary of superintendent of state printing, six thousand dollars.

Superintendent of state printing.

For salary of deputy superintendent of state printing, forty-eight hundred dollars.

For lithographing, engraving, half-tone plates, zincotypes, and work of like character, state printing office, five thousand dollars.

For legislative printing, thirty-sixth session, five thousand dollars.

For postage, expressage, telegraphing and contingent expenses, superintendent of state printing, one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state printer, seven hundred dollars.

For salary of copy editor to superintendent of state printing, three thousand six hundred dollars.

For salary of secretary state board of health, five thousand dollars.

State board of health.

For salary of attorney to state board of health, six thousand dollars.

For traveling and contingent expenses, state board of health, three thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of health, fifteen hundred dollars.

For salary of insurance commissioner, six thousand dollars.

Insurance commissioner.

For salary of deputy insurance commissioner, thirty-six hundred dollars.

For traveling and contingent expenses of the insurance commissioner, one thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the insurance commissioner, fifteen hundred dollars.

Railroad  
commis-  
sioners.

For salaries of railroad commissioners, twenty-four thousand dollars.

For salary of secretary to board of railroad commissioners, forty-eight hundred dollars.

For salary of bailiff to board of railroad commissioners, twenty-four hundred dollars.

For salary of stenographer to board of railroad commissioners, eighteen hundred dollars.

For fuel, lights, postage, expressage and incidental expenses, board of railroad commissioners, twelve hundred and fifty dollars.

For traveling expenses, board of railroad commissioners, seven hundred dollars.

For office rent, board of railroad commissioners, twelve hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to board of railroad commissioners, twenty-two hundred dollars.

State board  
of equal-  
ization.

For salaries of the members of the state board of equalization, twenty-four thousand dollars.

For salary of clerk, state board of equalization, forty-eight hundred dollars.

For pay of porter, state board of equalization, nine hundred and sixty dollars.

For postage, expressage, telegraphing and contingent expenses, state board of equalization, eight hundred and fifty dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to the state board of equalization, twelve hundred and fifty dollars.

Commis-  
sioner of  
public  
works.

For salary of commissioner of public works, six thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the commissioner of public works, five hundred dollars.

Yosemite  
valley.

For salary of guardian Yosemite Valley, three thousand dollars.

For traveling expenses of the Yosemite Valley commissioners, two thousand dollars.

For care of Yosemite Valley, thirty thousand dollars.

For care of Mariposa Big Tree Grove, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Yosemite Valley commissioners, five hundred dollars.

Débris  
commis-  
sioner.

For salary of débris commissioner, twelve hundred dollars.

For traveling and incidental expenses of débris commissioner, six hundred dollars.

For salary of secretary of débris commissioner, six hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the débris commissioner, fifty dollars.

For salary of commissioner for revision and reform of the laws, seven thousand two hundred dollars. Code commissioner.

For salary of stenographer for revision and reform of the laws, two thousand four hundred dollars.

For contingent expenses of the commission for the revision and reform of the laws, two hundred and fifty dollars.

For printing report of commission for revision and reform of the laws, one thousand dollars.

For support of Stockton state hospital, two hundred and twenty-three thousand nine hundred and fourteen dollars. Stockton hospital.

For salaries of officers and employés, Stockton state hospital, two hundred and twelve thousand one hundred and seventy-two dollars.

For support of Napa state hospital, two hundred and thirty-one thousand six hundred and ninety-one dollars. Napa hospital.

For salaries of officers and employés, Napa state hospital, two hundred and ten thousand nine hundred and fifteen dollars.

For support Agnews state hospital, one hundred and seventy-three thousand four hundred and twenty-six dollars. Agnews hospital.

For salaries of officers and employés, Agnews state hospital, one hundred and forty-seven thousand four hundred and six dollars.

For support Mendocino state hospital, one hundred and twenty-nine thousand three hundred and fifty-seven dollars. Mendocino hospital.

For salaries of officers and employés, Mendocino state hospital, ninety-nine thousand six hundred and seventy-three dollars.

For support Southern California state hospital, one hundred and seventy-eight thousand four hundred and seventy dollars. Southern California hospital.

For salaries of officers and employés, Southern California state hospital, one hundred and ten thousand five hundred and eighty-six dollars.

For support of institution for the deaf, dumb, and blind at Berkeley, forty thousand nine hundred and sixty dollars. Deaf, dumb, and blind institution.

For salaries of officers and employés, institution for deaf, dumb, and blind at Berkeley, ninety-one thousand two hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to institution for the deaf, dumb and blind at Berkeley, five hundred dollars.

For support of California home for care and training of feeble-minded children at Eldridge, one hundred and seventeen thousand six hundred dollars. Home for feeble-minded children.

For salaries of officers and employés, California home for care and training of feeble-minded children at Eldridge, eighty-two thousand eight hundred dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to California home for care and training of feeble-minded children, seven hundred dollars.

- Home for adult blind For support of home for adult blind at Oakland, twenty-eight thousand dollars.
- For salaries of officers and employés, home for adult blind at Oakland, twenty-two thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to home for adult blind at Oakland, five hundred dollars.
- Transportation of insane, etc. For transportation of insane, and of feeble-minded children, sixty-five thousand dollars.
- San Quentin prison. For support of state prison at San Quentin, sixty thousand dollars.
- For salaries of officers and employés, state prison at San Quentin, one hundred and twenty thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state prison at San Quentin, two thousand dollars.
- Folsom prison. For support of state prison at Folsom, one hundred and thirty thousand dollars.
- For salaries of officers and employés, state prison at Folsom, one hundred and five thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state prison at Folsom, two thousand dollars.
- Transportation of prisoners, etc. For transportation of prisoners to state prisons, and of children committed to the Whittier state school, and to the Preston school of industry, fifty thousand dollars.
- Whittier school. For support of Whittier state school, one hundred thousand dollars.
- For salaries of officers and employés, Whittier state school, ninety-five thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to Whittier state school, two hundred and fifty dollars.
- Preston school. For support of Preston school of industry, fifty thousand dollars.
- For salaries of officers and employés, Preston school of industry, fifty thousand dollars.
- For printing, binding, ruling and all other work performed and materials furnished by the state printing office to Preston school of industry, two hundred and fifty dollars.
- Normal school, San José. For support of state normal school at San José, eight thousand dollars.
- For salaries of officers, teachers and employés, state normal at San José, ninety-seven thousand dollars.
- For library, museum, and purchase of scientific apparatus, state normal school at San José, two thousand dollars.
- For care and improvement of grounds, state normal school at San José, four thousand dollars.
- For printing, binding, ruling, and all other work performed, and materials furnished by the state printing office to state normal school at San José, one thousand dollars.
- Normal school, Los Angeles. For support of state normal school at Los Angeles, eight thousand dollars.

For salaries of officers, teachers and employés, state normal school at Los Angeles, ninety-four thousand dollars.

For library, museum, and purchase of scientific apparatus, state normal school at Los Angeles, two thousand dollars.

For care and improvement of grounds, state normal school at Los Angeles, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at Los Angeles, nine hundred dollars.

For support of state normal school at Chico, five thousand dollars.

Normal school, Chico.

For salaries of officers, teachers and employés, state normal school at Chico, fifty-eight thousand dollars.

For library, museum, and purchase of scientific apparatus state normal school at Chico, one thousand eight hundred dollars.

For care and improvement of grounds, state normal school at Chico, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at Chico, eight hundred dollars.

For support of state normal school at San Diego, five thousand dollars.

Normal school, San Diego.

For salaries of officers, teachers and employés state normal school at San Diego, fifty-five thousand dollars.

For library, museum and purchase of scientific apparatus for the state normal school at San Diego, two thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at San Diego, eight hundred dollars.

For support of state normal school at San Francisco, five thousand dollars.

Normal school, San Francisco.

For salaries of officers, teachers, and employés, of state normal school at San Francisco, thirty-five thousand dollars.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state normal school at San Francisco, six hundred dollars.

For support of California polytechnic school in the county of San Luis Obispo, five thousand nine hundred dollars.

California polytechnic school.

For salaries of officers, teachers and employés of California polytechnic school in the county of San Luis Obispo, twenty-four thousand five hundred dollars.

For care and improvement of grounds, California polytechnic school in the county of San Luis Obispo, two thousand dollars.

For library, California polytechnic school in the county of San Luis Obispo, seven hundred dollars.

For printing, binding, ruling and all other work performed and materials furnished by the state printing office to California polytechnic school in the county of San Luis Obispo, five hundred dollars.

For expenses of trustees California polytechnic school in the county of San Luis Obispo, eight hundred dollars.

- Bureau of labor statistics. For salary of commissioner, bureau of labor statistics, six thousand dollars.
- For salary of deputy commissioner, bureau of labor statistics, thirty-six hundred dollars.
- For office rent, bureau of labor statistics, twelve hundred dollars.
- For salaries of assistants, traveling and contingent expenses, bureau of labor statistics, five thousand dollars.
- For printing, binding, ruling and all other work performed and materials furnished by the state printing office to bureau of labor statistics, twelve hundred and fifty dollars.
- Highway commissioner. For salary of highway commissioner, department of highways, six thousand dollars.
- For salary of secretary, department of highways, three thousand dollars.
- For salary of stenographer, department of highways, twenty-four hundred dollars.
- For pay of porter, department of highways, nine hundred and sixty dollars.
- For traveling and contingent expenses, department of highways, exempt from the provisions of section four of this act, five hundred dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to department of highways, five hundred dollars.
- Board of horticulture. For support of state board of horticulture, ten thousand dollars.
- For salary of secretary, state board of horticulture, forty-two hundred dollars.
- For salary of clerk, state board of horticulture, twelve hundred dollars.
- For salary of clerk, publishing and quarantine bureau, forty-two hundred dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of horticulture, five thousand dollars.
- Mining bureau. For salary of state mineralogist, six thousand dollars.
- For support of state mining bureau, forty-five thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state mining bureau, ten thousand dollars.
- Lake Tahoe road commissioner. For salary of Lake Tahoe wagon road commissioner, twelve hundred dollars.
- For maintenance of Lake Tahoe wagon road, eight thousand dollars.
- Sonora and Mono road. For maintenance of the Sonora and Mono road, four thousand dollars.
- State veterinarian. For salary of state veterinarian, four thousand dollars.
- For traveling and contingent expenses, state veterinarian, two thousand dollars.
- University printing. For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state university, twelve thousand dollars.

- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state board of pharmacy, one hundred and fifty dollars. Board of pharmacy, printing.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state lunacy commission, five thousand dollars. Lunacy commission, printing.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state veterinary medical board, one hundred dollars. Veterinary medical board, printing.
- For restoration and preservation of game, fifteen thousand dollars. Fish commissioners
- For restoration and preservation of fish, twenty thousand dollars.
- For support and maintenance of state hatcheries, twenty-five thousand dollars.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the fish commission, one thousand dollars.
- For official advertising, two thousand dollars. Official advertising.
- For traveling expenses state board of education, one thousand five hundred dollars. Board of education.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to the state board of education, one hundred dollars. State burial grounds.
- For care of state burial grounds, two hundred dollars.
- For actual and necessary traveling expenses, joint board of normal school trustees, fifteen hundred dollars. Normal school trustees.
- For support and maintenance of the University of California, two hundred thousand dollars. State university.
- For printing California pure wine labels, two hundred dollars. Wine labels.
- For payment of interest on one hundred thousand dollars, Hastings College of Law, fourteen thousand dollars. Hastings college.
- For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to harbor commissioners, San Diego, one hundred dollars. San Diego harbor commissioners.
- For salary of guardian Marshall monument and grounds, twelve hundred dollars. Guardian Marshall monument
- For printing, binding, ruling, and all other work performed, and materials furnished by the state printing office to capitol commissioners, fifty dollars. Capitol commissioners, printing.
- For salary of guardian of Sutter's Fort, twelve hundred dollars. Guardian Sutter's Fort.
- For actual necessary expenses of the state commission on voting or ballot machines, one thousand five hundred dollars. Voting machine commissioners.
- For aid to state agricultural society (*provided*, that the state agricultural society create and maintain a statistical department for the annual collection, compilation, and distribution of statistics relating to the products and resources of the state), thirty thousand dollars; *and provided further*, that no game of chance played with cards, dice, or any device, for money, checks, credit, drinks, cigars, or other representation of value or for any object whatever, shall be permitted at the pavilion or on State agricultural society.



the state fair grounds, or in any other place subject to the control of said society; *and provided further*, that pool-selling and bookmaking on the trials of speed held under the auspices of the said society shall not be affected hereby. Any violation of this proviso shall work a forfeiture of the said appropriation.

For printing, binding, ruling, and all other work performed and materials furnished by the state printing office to state agricultural society, six thousand dollars.

Aid to  
district  
agricul-  
tural  
societies  
(vetoed).

For aid to district agricultural society number one, five thousand six hundred dollars.

For aid to district agricultural society number two, three thousand seven hundred and fifty dollars.

For aid to district agricultural society number three, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number four, three thousand seven hundred and fifty dollars.

For aid to district agricultural society number five, three thousand seven hundred and fifty dollars.

For aid to district agricultural society number six, five thousand six hundred dollars.

For aid to district agricultural society number seven, two thousand two hundred and fifty dollars.

For aid to district agricultural society number eight, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number nine, two thousand two hundred and fifty dollars.

For aid to district agricultural society number ten, one thousand five hundred dollars.

For aid to district agricultural society number eleven, two thousand two hundred and fifty dollars.

For aid to district agricultural society number twelve, one thousand one hundred dollars.

For aid to district agricultural society number thirteen, two thousand two hundred dollars.

For aid to district agricultural society number fourteen, two thousand two hundred and fifty dollars.

For aid to district agricultural society number fifteen, twenty-five hundred dollars.

For aid to district agricultural society number sixteen, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number seventeen, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number eighteen, two thousand two hundred and fifty dollars.

For aid to district agricultural society number nineteen, nothing.

For aid to district agricultural society number twenty, one thousand eight hundred dollars.

For aid to district agricultural society number twenty-one, three thousand dollars.

For aid to district agricultural society number twenty-two, two thousand six hundred dollars.

For aid to district agricultural society number twenty-three, two thousand five hundred dollars.

For aid to district agricultural society number twenty-four, two thousand two hundred and fifty dollars.

For aid to district agricultural society number twenty-five, two thousand six hundred dollars.

For aid to district agricultural society number twenty-six, one thousand eight hundred and fifty dollars.

For aid to district agricultural society number twenty-seven, two thousand two hundred and fifty dollars.

For aid to district agricultural society number twenty-eight, three thousand dollars.

For aid to district agricultural society number twenty-nine, two thousand dollars.

For aid to district agricultural society number thirty, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number thirty-one, two thousand five hundred dollars.

For aid to district agricultural society number thirty-two, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number thirty-three, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number thirty-four, one thousand five hundred dollars.

For aid to district agricultural society number thirty-five, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number thirty-six, two thousand six hundred dollars.

For aid to district agricultural society number thirty-seven, twenty-five hundred dollars.

For aid to district agricultural society number thirty-eight, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number thirty-nine, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number forty, three thousand six hundred dollars.

For aid to district agricultural society number forty-one, one thousand five hundred dollars.

For aid to district agricultural society number forty-two, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number forty-three, one thousand five hundred dollars.

For aid to district agricultural society number forty-four, one thousand seven hundred and fifty dollars.

For aid to district agricultural society number forty-five, two thousand dollars.

It is hereby provided that any district agricultural society may use the whole amount hereby appropriated for one fair; but if it be so used, the said fair must be held during the fifty-sixth fiscal year.

*Provided*, That no moneys appropriated for agricultural societies shall be drawn, used, or paid for racing or speed contests; and *provided further*, that no game of chance played with

Aid to  
district  
agricul-  
tural  
societies  
(vetoed).

dice, or any device, for money, checks, credit, drinks, cigars, or other representative of value, or for any object whatever, shall be permitted at the pavilion, or on the fair grounds, or in any other place subject to the control of any said agricultural societies. Any violation of either of these provisos by any of said societies shall work a forfeiture of the appropriation made therefor.

Manner of disbursement of appropriations.

SEC. 2. The sums that are herein appropriated for expenses of the senate and assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section six hundred and seventy-two of the Political Code. The sums herein appropriated for the expenses of the national guard shall be audited by the board of military auditors, as required by sections two thousand and ninety-three and two thousand and ninety-nine of the Political Code. Not more than five hundred dollars of the moneys hereby appropriated for the support of the institutions of the state shall be used for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employes, the purchase of material and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

Permanent improvements.

Itemized verified statements to be rendered.

SEC. 3. All persons having demands against the state, the various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of the act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of examiners is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them, stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each, and of whom purchased, with the date of the purchase. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this act, unless authorized thereto by law.

Monthly expenditures.

SEC. 4. Not more than one twenty-fourth part of the amount appropriated under this act for each department or institution for the two years ending June thirtieth, nineteen hundred and five, shall be expended during any one month without the consent of the state board of examiners, and not more than one half of such appropriation during the fifty-fifth

fiscal year, unless the same has been expressly authorized by this act.

SEC. 5. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of examiners be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void, and shall not be allowed by said state board of examiners, nor paid out of any state appropriations; *provided*, that any member of any such department, board, commissions, or institutions, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of examiners, and the certificate in this section provided for be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

Expenditures must not exceed appropriations.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of, any insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the state printing office and its contents and the pavilion of the state agricultural society.

Insurance.

This bill, being Assembly Bill No. 924, entitled "An act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years," is approved with the exception of the following items, that is to say: The items pages 16, 17 and 18:

Veto message.

"For aid to district agricultural society number one, five thousand six hundred dollars.

"For aid to district agricultural society number two, three thousand seven hundred and fifty dollars.

"For aid to district agricultural society number three, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number four, three thousand seven hundred and fifty dollars.

"For aid to district agricultural society number five, three thousand seven hundred and fifty dollars.

"For aid to district agricultural society number six, five thousand six hundred dollars.

"For aid to district agricultural society number seven, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number eight, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number nine, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number ten, one thousand five hundred dollars.

"For aid to district agricultural society number eleven, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number twelve, one thousand one hundred dollars.

"For aid to district agricultural society number thirteen, two thousand two hundred dollars.

"For aid to district agricultural society number fourteen, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number fifteen, twenty-five hundred dollars.

Veto mes-  
sage.

"For aid to district agricultural society number sixteen, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number seventeen, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number eighteen, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number nineteen, nothing.

"For aid to district agricultural society number twenty, one thousand eight hundred dollars.

"For aid to district agricultural society number twenty-one, three thousand dollars.

"For aid to district agricultural society number twenty-two, two thousand six hundred dollars.

"For aid to district agricultural society number twenty-three, two thousand five hundred dollars.

"For aid to district agricultural society number twenty-four, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number twenty-five, two thousand six hundred dollars.

"For aid to district agricultural society number twenty-six, one thousand eight hundred and fifty dollars.

"For aid to district agricultural society number twenty-seven, two thousand two hundred and fifty dollars.

"For aid to district agricultural society number twenty-eight, three thousand dollars.

"For aid to district agricultural society number twenty-nine, two thousand dollars.

"For aid to district agricultural society number thirty, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number thirty-one, two thousand five hundred dollars.

"For aid to district agricultural society number thirty-two, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number thirty-three, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number thirty-four, one thousand five hundred dollars.

"For aid to district agricultural society number thirty-five, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number thirty-six, two thousand six hundred dollars.

"For aid to district agricultural society number thirty-seven, twenty-five hundred dollars.

"For aid to district agricultural society number thirty-eight, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number thirty-nine, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number forty, three thousand six hundred dollars.

"For aid to district agricultural society number forty-one, one thousand five hundred dollars.

"For aid to district agricultural society number forty-two, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number forty-three, one thousand five hundred dollars.

"For aid to district agricultural society number forty-four, one thousand seven hundred and fifty dollars.

"For aid to district agricultural society number forty-five, two thousand dollars."

I object to the foregoing items of the said bill, and withhold my approval from them for the following reasons, that is to say:

These items in the aggregate make appropriations so great that, in consequence of the present condition of the state treasury, I deem it unwise to burden the people of the State of California with so heavy a tax as would be necessary to provide the amount of money thereby appropriated. A reduction in the number of districts, with corresponding adjustment of the appropriations, would have presented a case of less difficulty. As the districts are now constituted, I deem it inadvisable to discriminate by withholding my approval of some of the appropriations, while giving it to others, and am in consequence constrained to disapprove all appropriations for aid to district agricultural societies of the State.

GEO. C. PARDEE,  
Governor of California.

*Executive Department, State of California,*  
March 26, 1903.

## CHAPTER CCCLXXXI.

*An act to provide for the completion and equipment of the state normal school building at San Diego, for making certain improvements, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of sixty-one thousand dollars, to be expended by the board of trustees of the State Normal School at San Diego, for the erection of the west wing of the building now being constructed for the use of said state normal school, for the completion of the assembly hall in the central portion of said building, and the heating and ventilation of said building, for the erection of a training school building, for furniture and equipment of said buildings, and for improvement of the grounds at said state normal school.

Appropriation for completion of San Diego Normal School.

SEC. 2. The state controller is hereby directed to draw his warrants for the sum in this act appropriated in favor of the trustees of the State Normal School at San Diego, upon their requisition for the same, and the state treasurer is hereby directed to pay said warrants.

SEC. 3. This act shall take effect immediately.

## CHAPTER CCCLXXXII.

*An act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of twenty-eight thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended for the erection of additional buildings, for furnishing the same, for the use and occupation of the pupils attending the State Normal School at Chico, of which sum not more than five thousand dollars shall be used for furnishing said buildings.

Appropriation for additional buildings at Chico Normal School.

SEC. 2. The state controller is hereby authorized and directed to draw his warrants in favor of the board of trustees of said

state normal school, for the money herein appropriated, and the state treasurer is hereby directed to pay said warrants.

Auditing  
of bills.

SEC. 3. All bills for materials for such additional buildings and for furnishing the same shall be first audited by the board of trustees of said normal school and approved by the state board of examiners before being paid.

In effect.

SEC. 4. This act shall take effect on and after the first day January, nineteen hundred and four.

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### CHAPTER CCCLXXXIII.

*An act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to pay claim of Julius A. Hult.

SECTION 1. The sum of five thousand (\$5,000) dollars is hereby appropriated out of any money in the state treasury to pay the claim of Julius A. Hult against the State of California.

SEC. 2. The controller of state is hereby authorized and directed to draw his warrant in favor of said Julius A. Hult for the sum of five thousand (\$5,000) dollars, and the state treasurer is hereby authorized and directed to pay the same.

Conditions

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said Julius A. Hult shall make and deliver to the controller upon receipt of said warrant a release of all his claim against the State of California.

SEC. 4. This act shall take effect and be in force January first, 1905.

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### CHAPTER CCCLXXXIV.

*An act for the relief of Charles D. Douglas.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

Appropriation to compensate Chas. D. Douglas

SECTION 1. The sum of five thousand five hundred and thirty-one (\$5,531.00) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to compensate Charles D. Douglas for moneys expended by him for the State of California in 1861, for transporting troops from the State of Nevada to California, and for sustenance of such troops at that time.

SEC. 2. The controller is hereby authorized and required to draw his warrant in favor of said Charles D. Douglas, and the treasurer is directed to pay the same.

SEC. 3. This act shall take effect immediately.

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CHAPTER CCCLXXXV.

*An act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.*

[Approved March 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. The sum of five thousand (\$5,000) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of William M. Sullivan against the State of California. Appropriation to pay claim of William M. Sullivan.

SEC. 2. The controller of the state is hereby authorized and directed to draw his warrant in favor of said William M. Sullivan for the sum of five thousand (\$5,000) dollars, and the state treasurer is hereby authorized and directed to pay the same. Conditions

SEC. 3. Said sum shall be in full payment and satisfaction of said claim, and said William M. Sullivan shall make and deliver to the controller, upon receipt of said warrant, a release of all his claims against the State of California.

SEC. 4. This act shall take effect and be in force from and after the first day of July in the year of nineteen hundred and four (1904). In effect.





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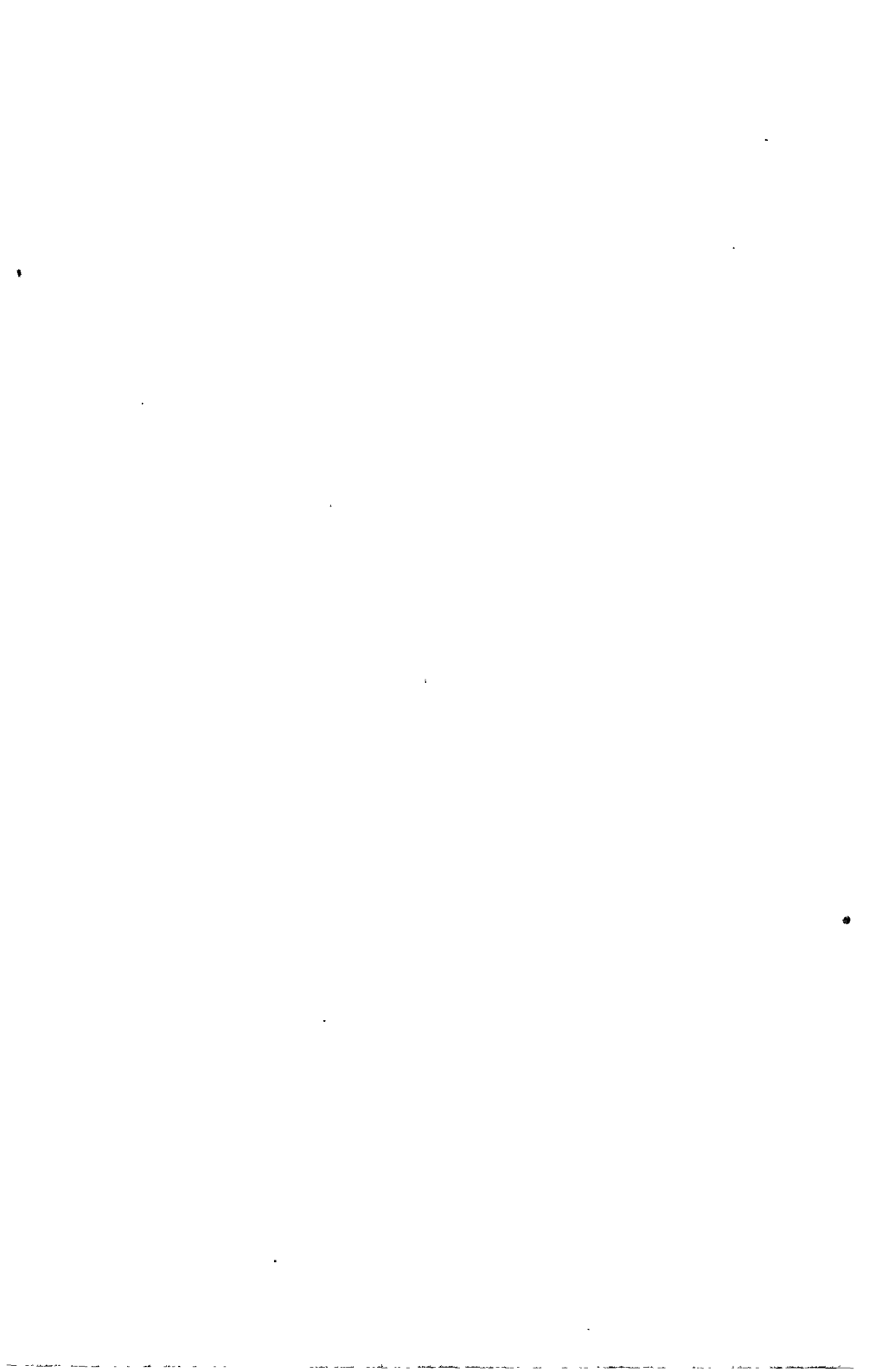
CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS.

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS.

## CHAPTER I.

*Senate Joint Resolution No. 1, relative to House Resolution 14,898, entitled "An act relating to jurisdiction on appeals in the court of appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands."*

[Adopted January 23, 1903.]

WHEREAS, A bill, introduced in the first session of the fifty-seventh congress, known as House Resolution 14,898, entitled "An act relating to jurisdiction on appeals in the court of appeals of the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands," did, on the seventeenth day of June, nineteen hundred and two, pass the house of representatives, and was referred to the judiciary committee of the senate of the United States; and

Appeals in  
court of  
appeals,  
District of  
Columbia.

WHEREAS, Such bill, in our judgment, if enacted into law, would become a menace to the mineral industry of our state, particularly to the petroleum mining industry; now, therefore, be it

*Resolved by the senate and the assembly of the State of California, jointly,* That our congressmen be requested and our senators instructed to use all honorable means to prevent the passage of said bill.

*Resolved,* That the secretary of the senate be and he is hereby instructed to transmit a copy of this resolution, by telegraph, to our senators and representatives in congress.

## CHAPTER II.

*Senate Concurrent Resolution No. 1, relative to inaugural ceremonies.*

[Adopted January 23, 1903.]

*Resolved by the senate, the assembly concurring,* That a committee of three members of the senate be appointed to confer with a committee of four from the assembly, to make arrangements for the inaugural ceremonies. Said committee to be appointed by the president of the senate and speaker of the assembly, respectively, and to have full power to act in the

Committee  
on inaugu-  
rational cere-  
monies.

premises. Any expenses to be paid equally by the senate and the assembly, out of their several contingent funds, and not to exceed in the aggregate the sum of twelve hundred and fifty (\$1250) dollars.

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### CHAPTER III.

*Senate Concurrent Resolution No. 2, relative to death of the Hon. J. H. Seawell, ex-member of either house.*

[Adopted January 23, 1903.]

Relative to  
death of  
Hon. J. H.  
Seawell.

*Resolved by the senate of the State of California, the assembly concurring,* That a committee of six, consisting of three senators and three assemblymen, be appointed by the president of the senate and the speaker of the assembly, respectively, to prepare and present to senate and assembly for adoption a resolution of respect to the memory of the late Honorable John Henry Seawell, of Mendocino county, ex-member of either house.

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### CHAPTER IV.

*Senate Concurrent Resolution No. 3, relative to the death of Hon. Lawrence J. Dwyer, ex-member of either house.*

[Adopted January 23, 1903.]

Relative to  
death of  
Hon. L. J.  
Dwyer.

*Resolved by the senate of the State of California, the assembly concurring,* That a committee of six, consisting of three senators and three assemblymen, be appointed by the president of the senate and the speaker of the assembly, respectively, to prepare and present to the senate and assembly for adoption a resolution of respect to the memory of the late Honorable Lawrence J. Dwyer of San Francisco, ex-member of either house.

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### CHAPTER V.

*Senate Joint Resolution No. 4, relative to an appropriation by congress for the purchase of Nacimientto ranch for a military instruction camp.*

[Adopted January 29, 1903.]

Nacimi-  
ento ranch.

WHEREAS, The Nacimientto ranch in San Luis Obispo and Monterey counties has been selected by the War Department for a military instruction camp; and,

WHEREAS, But one such camp has been ordered to be established on the Pacific coast; therefore, be it

*Resolved by the senate and the assembly of the State of California, jointly,* That we respectfully instruct our senators and

request our representatives in the congress of the United States, to use all honorable means to secure such appropriation at this session of congress.

*Resolved*, That the secretary of the senate be directed to forward a copy of this resolution, by telegraph, to our senators and representatives in congress.

## CHAPTER VI.

*Senate Concurrent Resolution No. 4, approving thirteen certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902.*

[Adopted January 30, 1903.]

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, eighteen hundred and eighty-eight, and approved by the Legislature of the State of California, on the thirty-first day of January, eighteen hundred and eighty-nine (Statutes of 1889, page 455), which charter has never been amended; and

Amend-  
ments to  
charter of  
the City of  
Los An-  
geles.

WHEREAS, The city council of said City of Los Angeles did, by ordinance No. 7540 (new series), adopted by said council on the twenty-ninth day of September, nineteen hundred and two, and approved by the mayor of said city on the thirtieth day of September, nineteen hundred and two, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles, certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the first day of December, nineteen hundred and two, which said amendments were and are in words and figures as follows, to wit:

That section one of the charter be amended to read as follows:

Section 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit:

Name.

Beginning at a cement monument in the County of Los Angeles, State of California, said monument being set on the

Bound-  
aries.

Bound-  
aries of  
City of Los  
Angeles.

township line between township one south, range fourteen west, and township two south, range fourteen west, San Bernardino base and meridian; said monument being 8094.61 feet from the common corner to township one south, range thirteen west, township one south, range fourteen west, township two south, range thirteen west, and township two south, range fourteen west, San Bernardino base and meridian; thence from said point of beginning north 0 degrees 07 minutes 00 seconds west, 2644.49 feet to a point; thence north 0 degrees 06 minutes 30 seconds west, 2640.89 feet to a point; thence north 0 degrees 16 minutes 30 seconds west, 2641.80 feet to a point; thence north 0 degrees 05 minutes 00 seconds west, 2827.62 feet to a point; thence south 88 degrees 20 minutes 30 seconds east, 180.04 feet to a point; thence south 89 degrees 53 minutes 30 seconds east, 2638.46 feet to a point; thence north 89 degrees 39 minutes 30 seconds east, 5282.98 feet to a point; thence north 0 degrees 05 minutes 30 seconds west, 5107.53 feet to a point; thence south 89 degrees 57 minutes 15 seconds east, 2206.69 feet to a point on the west patent boundary line of the City of Los Angeles, as per map recorded in Book 2 of Miscellaneous Records of the County of Los Angeles, California, at pages 504 and 505 thereof; thence along said west patent boundary line north 0 degrees 24 minutes 00 seconds west, 7087.80 feet to the northwest corner of the City of Los Angeles, as per map aforesaid; thence along the north patent boundary line of the City of Los Angeles, as per map aforesaid, south 89 degrees 34 minutes 30 seconds east, 13,278.36 feet to a point; thence continuing along said north patent boundary line south 89 degrees 20 minutes 15 seconds east, 6826.16 feet to a point; thence north 187.03 feet to a point; thence north 39 degrees 28 minutes 00 seconds east, 2130.20 feet to a point; thence north 4 degrees 40 minutes 00 seconds east, 1188.40 feet to a point; thence north 11 degrees 43 minutes 00 seconds east; 1627.80 feet to a point; thence north 59 degrees 16 minutes 30 seconds east, 2021.40 feet to a point; thence north 34 degrees 42 minutes 30 seconds west, 37.50 feet to a point; thence north 89 degrees 34 minutes 30 seconds east, 9.01 feet to a point; thence north 34 degrees 40 minutes 30 seconds west, 375.54 feet to a point; thence north 58 degrees 44 minutes 30 seconds east, 392.23 feet to a point; thence north 79 degrees 12 minutes 00 seconds east, 206.58 feet to a point; thence south 89 degrees 03 minutes 00 seconds east, 487.08 feet to a point; thence north 53 degrees 57 minutes 00 seconds east, 562.80 feet to a point; thence north 89 degrees 21 minutes 00 seconds east, 1008.00 feet to a point; thence south 0 degrees 39 minutes 15 seconds east, 47.87 feet to a point; thence north 59 degrees 22 minutes east, 1584.52 feet to a point; thence north 12 degrees 04 minutes 15 seconds east, 1714.26 feet to a point; thence north 89 degrees 59 minutes 30 seconds east, 942.00 feet to a point; thence north 89 degrees 56 minutes 30 seconds east, 3674.92 feet to a point; thence north 89 degrees 50 minutes east, 1174.63 feet to a point; thence south 36 degrees 15 minutes 15 seconds west, 629.95 feet along the center line of Avenue 66 (formerly Cooper avenue) to a point;

thence south 53 degrees 55 minutes east, 299.50 feet to a point; thence south 36 degrees 16 minutes 15 seconds west, 900.50 feet to a point; thence south 53 degrees 28 minutes east, 280.28 feet to a point; thence south 51 degrees 41 minutes 15 seconds west, 1205.69 feet along the center line of San Pasqual avenue to a point; thence south 22 degrees 00 minutes 45 seconds east, along the boundary line of the San Rafael Rancho, 463.17 feet to a point; thence south 34 degrees 15 minutes west, 264.00 feet to a point; thence south 56 degrees west, 686.40 feet to a point; thence south 89 degrees west, still along the boundary line of the San Rafael Rancho, 759.50 feet to a point on the northerly line of the right of way of the Southern California Railway; thence north 70 degrees 22 minutes 45 seconds west, along said northerly line of said right of way 83.30 feet to a point; thence south 19 degrees 37 minutes 15 seconds west, 75 feet along said northerly line of said right of way to a point; thence north 70 degrees 22 minutes 45 seconds west, 667.59 feet along said northerly line of said right of way to a point; thence south 39 degrees 05 minutes 15 seconds west, 220.85 feet to a point; thence south 14 degrees 56 minutes 45 seconds east, 103.17 feet to a point; thence south 4 degrees 14 minutes west, 421.76 feet to a point; thence south 52 degrees 23 minutes west, 654.99 feet to a point; thence north 79 degrees 29 minutes 30 seconds west, 830.17 feet to a point in the southeasterly line of the right of way of the Los Angeles Terminal Railway; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 701.78 feet) 21.99 feet to a point, said point being south 56 degrees 16 minutes 15 seconds west, 21.98 feet from the last mentioned point; thence following said southeasterly line of said right of way south 30 degrees 18 minutes 15 seconds east, 10.03 feet to a point; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 691.78 feet) 83.50 feet to a point; said point being at the end of said curve, and also being south 51 degrees 51 minutes 15 seconds west, 83.46 feet from the last mentioned point; thence on a line tangent to said curve, south 48 degrees 23 minutes 45 seconds west, 642.51 feet along said southeasterly line of said right of way to a point in the center line of Avenue 57; thence south 0 degrees 14 minutes east, 1646.90 feet to a point; thence south 83 degrees 16 minutes 15 seconds west, 195.19 feet to a point; thence south 2710.89 feet to a point, the same being the northeast patent corner of the City of Los Angeles, California, as per map hereinbefore mentioned; thence along the east patent boundary line of said City of Los Angeles and its prolongation, south 0 degrees 23 minutes 30 seconds east, 29,217.63 feet to a point; thence south 89 degrees 43 minutes 00 seconds west, 14,401.51 feet to a point; thence south 1 degree 13 minutes 00 seconds east, 1760.83 feet to a point; thence south 2 degrees 08 minutes 30 seconds east, 674.27 feet to a point; thence south 3 degrees 50 minutes 00 seconds east, 2721.73 feet to a point; thence south 4 degrees 19 minutes 00 seconds east, 1491.15 feet to a point; thence south 4 degrees 06

Bound-  
aries of  
City of Los  
Angeles.



Bound-  
aries of  
City of Los  
Angeles.

minutes 00 seconds east, 2637.61 feet to a point; thence north 89 degrees 13 minutes 00 seconds west, 2975.73 feet to a point; thence west 2632.54 feet to a point; thence south 89 degrees 17 minutes 30 seconds west, 1320.95 feet to a point; thence south 89 degrees 24 minutes 30 seconds west, 1330.50 feet to a point; thence south 89 degrees 46 minutes 30 seconds west, 2649.30 feet to a point; thence south 0 degrees 09 minutes 30 seconds east, 220.02 feet to a point; thence south 89 degrees 40 minutes 30 seconds west, 2647.48 feet to a point; thence south 89 degrees 55 minutes 00 seconds west, 390.06 feet to a point; thence north 0 degrees 12 minutes 00 seconds west, 8105.59 feet to a point; thence south 89 degrees 29 minutes 00 seconds west, 2263.05 feet to a point; thence north 89 degrees 55 minutes 15 seconds west, 2616.34 feet to a point; thence north 89 degrees 36 minutes 30 seconds west, 2648.75 feet to a point; thence south 89 degrees 50 minutes 00 seconds west, 2627.60 feet to a point; thence north 0 degrees 05 minutes 00 seconds west, 2661.10 feet to a point; thence north 89 degrees 49 minutes 30 seconds west, 991.74 feet to a point; thence north 0 degrees 06 minutes 30 seconds east, 457.30 feet to a point; thence north 0 degrees 07 minutes 30 seconds west, 2184.50 feet to a point; thence north 89 degrees 59 minutes 00 seconds east, 809.72 feet to a point; thence north 0 degrees 07 minutes 00 seconds west, 2582.68 feet to the point of beginning; said courses being according to the true meridian; said boundaries embracing an area of 27,696.69 acres of land; and the said corporation shall continue vested with all the property rights of every kind now belonging to it.

That section three of the charter be amended to read as follows:

Officers of  
municipality.

Section 3. The officers of the municipality shall be:

- A mayor;
- One councilman from each ward;
- A city clerk;
- A clerk of the mayor;
- A city treasurer;
- A city auditor;
- A city tax and license collector;
- Seven members of the board of education;
- A city school superintendent;
- Five directors of the Los Angeles public library;
- A city assessor;
- A city engineer;
- A city attorney;
- A superintendent of buildings;
- A water overseer;
- A street superintendent;
- Five police commissioners;
- A chief of police;
- A chief engineer of the fire department;
- Five members of the board of health;
- A health officer;
- Five fire commissioners;

Five park commissioners ;

That section four of the charter be amended to read as follows :

Section 4. The following officers shall be elected by the electors of the City of Los Angeles at large, to wit: Officers to be elected.

The mayor ;

The city clerk ;

The city attorney ;

The city treasurer ;

The city auditor ;

The city tax and license collector ;

The city engineer ;

The street superintendent ;

The city assessor ; and

Seven members of the board of education ;

And, by the electors of each ward, respectively,

One member of the council.

The city shall be divided into nine wards, as follows :

First Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the northerly city boundary with the center of the Los Angeles River ; running thence along the center of said river southerly to the center line of Macy street ; thence easterly along the center line of Macy street to the center line of Mission road ; thence northeasterly along the center line of Mission road to the center line of Griffin avenue ; thence southeasterly along the center line of Griffin avenue to the center line of Soto street ; thence northeasterly along the center line of Soto street to the center line of Mission road ; thence easterly along the center line of Mission road to the east city boundary ; thence northerly, northeasterly, westerly, southwesterly, and westerly, along the exterior boundaries of the City of Los Angeles to the point of beginning. First ward.

Second Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the north city boundary with the center of the Los Angeles river, and running thence southerly along the center of said river to the center line of Downey avenue ; thence southerly along the center lines of Downey avenue, San Fernando street, and Main street to the center line of First street ; thence westerly along the center line of First street to the west patent boundary line of the city ; thence northerly along said west patent boundary line to the northwest corner of the city ; thence easterly along the north boundary line of the city to the place of beginning. Second ward.

Third Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main streets ; thence running westerly along the center line of First street to the west patent boundary of the city ; thence northerly along the said west patent boundary to the south line of the Dayton Heights tract ; thence westerly along the south line of the Dayton Heights tract to the center line of Vermont avenue extended ; thence southerly along the center line of Vermont avenue extended, Third ward.

Vermont avenue, and the prolongation of Vermont avenue, to the center line of Seventh street; thence easterly along the center line of Seventh street to the center line of Main street; thence northerly along the center line of Main street to the point of beginning.

Fourth ward.

Fourth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Seventh and Main streets; running thence southerly along the center line of Main street to the center line of Washington street; thence westerly along the center line of Washington street to a point one hundred and fifty feet west of the west line of Arlington street; thence northerly along the west city boundary to a point one hundred and fifty feet north of the north line of Wilshire boulevard; thence easterly to the west boundary line of the West End University Addition to Los Angeles, at a point one hundred and fifty feet north of the southwest corner thereof; thence southerly along said boundary line and the center line of Vermont avenue to the center line of Seventh street; thence easterly along the center line of Seventh street to the point of beginning.

Fifth ward.

Fifth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Washington and Main streets; thence southerly along the center line of Main street to a point one hundred and fifty feet south of the south line of Slauson avenue; thence westerly along the southerly boundary of the city to a point three hundred and sixty feet west of the westerly line of Figueroa street; thence northerly, westerly, northerly, westerly, northerly, easterly, and northerly along the exterior boundaries of Los Angeles city to the center line of Washington street; thence easterly along the center line of Washington street to the point of beginning.

Sixth ward.

Sixth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Ninth and Main streets; thence easterly along the center line of Ninth street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the south city boundary; thence westerly, southerly, and westerly along the exterior boundaries of Los Angeles city to the center line of Main street; thence northerly along the center line of Main street to the point of beginning.

Seventh ward.

Seventh Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Main and First streets; thence easterly along the center line of First street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the center line of Ninth street; thence westerly along the center line of Ninth street to the center line of Main street; thence northerly along the center line of Main street to the point of beginning.

Eighth ward.

Eighth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main streets; running thence easterly

along the center line of First street to the center of the Los Angeles river; thence northerly along the center of the Los Angeles river to the center line of Downey avenue; thence southerly along the center lines of Downey avenue, San Fernando street, and Main street to the place of beginning.

Ninth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center line of Macy street with the center of the Los Angeles river; thence easterly along the center line of Macy street to the center line of Mission road; thence northeasterly along the center line of Mission road to the center line of Griffin avenue; thence southeasterly along the center line of Griffin avenue to the center line of Soto street; thence northeasterly along the center line of Soto street to the center line of Mission road; thence easterly along the center line of Mission road to the easterly line of Los Angeles city; thence southerly along the easterly line of Los Angeles city to the southeasterly corner of Los Angeles city; thence westerly along the southerly line of Los Angeles city to the intersection of the center of the Los Angeles river; thence northerly along the center of the Los Angeles river to the point of beginning.

Ninth ward.

The center of streets and the center of the Los Angeles river will in all cases be the dividing line. Ward line.

And the council herein provided shall have power by ordinance to establish and change the boundaries thereof whenever it may deem it expedient; but until changed by the council the said wards shall remain as above described and established.

Change of boundaries.

That section six of the charter be amended to read as follows:

Section 6. The mayor shall appoint a clerk of the mayor. He shall also appoint, subject to confirmation by a majority of the council, the superintendent of buildings, and such other officers of the municipality mentioned in this charter whose appointments are not otherwise provided for herein.

Appointments by mayor.

That section seven of the charter be amended to read as follows:

Section 7. The city school superintendent shall be appointed by the board of education. The chief of police shall be appointed by the board of police commissioners. The chief engineer of the fire department shall be appointed by the board of fire commissioners. The health officer shall be appointed by the board of health. Each police judge shall appoint his own clerk.

Appointments by boards.

That section sixty-nine of the charter be amended to read as follows:

Section 69. The government of the school department of the city shall be vested in a board of education, to consist of seven members, to be elected as herein provided, to be called members of the board of education, who shall serve without salary; *provided*, that the members of the present board of education shall hold and exercise their offices, with the powers and duties prescribed by the charter, until the election and qualification of the members of the first board of education elected from the city at large.

Government of school department.

That section one hundred and ninety-five of the charter be amended to read as follows:

Elections. Section 195. General municipal elections shall be held in said city on the first Monday in December, nineteen hundred and four, and on the first Monday in December every two years thereafter, at which shall be elected:

A mayor,  
 A city clerk,  
 A city attorney,  
 A city treasurer,  
 A city auditor,  
 A city tax and license collector,  
 A city engineer,  
 A street superintendent,  
 A city assessor, and  
 Seven members of the board of education,  
 And, by the electors of each ward, one member of the city council.

That Article XVIII of the charter be amended to read as follows:

#### ARTICLE XVIII.

##### WATER, WATER RIGHTS, AND WATERWORKS.

Water. Section 190. The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the River Los Angeles heretofore vested in it, its predecessors or predecessor, including the Pueblo of Los Angeles, and is hereby declared to have the full, free, and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the southern boundary of said city, and also the ownership of and the right to develop, economize, control, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named.

Water rights not to be leased to corporations. Section 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said River Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privilege to use, manage, or control the said waters or any part thereof, for any purpose, public or private. No other water or water rights now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election, general or special, at which such proposition shall be lawfully submitted; *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power.

Section 192. There is hereby created, for the purpose of managing and controlling all waters and water rights that are now, or may be hereafter, owned by the City of Los Angeles, a department of said city to be known as the "Water Department," which shall be under the management and control of a board of water commissioners.

Water department created.

(a) Said board shall consist of five members, who shall be appointed by the mayor, subject to confirmation by a majority of the council.

Number of members.

(b) No person shall be appointed a water commissioner who shall not have been an elector of the City of Los Angeles for at least five years next preceding his appointment, and the appointments of water commissioners shall be made so that not more than three members of the board shall, at any one time, belong to the same political party.

Qualifications of commissioner.

(c) The term of office of the water commissioners shall be four years. The five commissioners first appointed hereunder shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs, the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

Term of office.

(d) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

Organization of commission.

(e) The president of the board of water commissioners shall be the executive officer of the water department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as may be necessary for the proper supervision and direction of the business of the water department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

President of board.

Secretary.

(f) The board shall maintain an office, and prescribe office hours for the convenience of the public. The board shall hold a regular stated meeting once in each week. The members of the board shall serve without compensation, except that the president of the board shall receive a salary of three thousand dollars per annum, payable in equal monthly installments.

Stated meetings.

Compensation.

(g) The board of water commissioners shall have power:

To manage and control all waters, water rights, and water-bearing lands, and all waterworks, reservoirs, zanjias, and ditches belonging to the city.

Powers of board of water commissioners

To construct, operate, maintain, and extend waterworks, dams, reservoirs, zanjias, ditches, canals, and other means for supplying the city and its inhabitants with water, and to acquire and take by purchase, condemnation, or otherwise, and, in its own name, to hold, as special trustee for the city, any

Powers of  
board of  
water com-  
missioners.

and all property, including waters and water rights, situated within or without the limits of the city, other than the waters of the River Los Angeles, that may be necessary or convenient for such construction, operation, maintenance, or extension.

To regulate and control the use, sale and distribution of water belonging to the city, the collection of water rates, and the granting of permits for connections with said waterworks, zanjas, or ditches, and to fix the rates to be charged for such connections; and, subject to the approval of the city council, to fix the rates to be charged for water, and to prescribe the time and manner of payment of the same.

To appoint, employ and, for good cause, to remove the superintendent of waterworks, the water overseer, and such assistants, employés, and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the city attorney, free of charge, in all cases to which the board is a party;

To control and order the expenditure of all moneys received from the sale or use of water; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding waterworks bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be re-transferred into said water revenue fund.

Restrictions.

(h) None of the money in said water revenue fund, or coming under the control of said board, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First: For the necessary expenses of conducting the water department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs.

Second: For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the water department, including the purchase of necessary lands, water rights, and other property.

Third: The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding waterworks bonds.

*Provided, however,* that said board may, in its discretion, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the water department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs, and for no other purpose.

(i) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules, and regulations as may be necessary for its government, for the administration of the water department, and for the exercise of the powers conferred by this article; *provided,* that no such rule, by-law, or other act of the board fixing water rates, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the city council, and thereafter published for at least three days in a daily newspaper printed and published in the City of Los Angeles.

Power to  
make by-  
laws and  
rules.

(j) Three members of the board of water commissioners shall constitute a quorum for the transaction of business; but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof. The board shall not make any contract or expenditure for supplies, goods, materials, machinery or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to furnish the same. And the contract therefor shall be let to the lowest responsible bidder who shall furnish security for its performance, satisfactory to the board; *provided,* that the board may reject any and all bids.

Quorum

(k) The board of water commissioners shall present to the city council, at its meeting in the second week of December, in each year, a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

Annual  
report.

(l) As soon as practicable after the first board of water commissioners appointed hereunder shall take office, the city council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in section one hundred and ninety of this charter), that is now or may hereafter be used, required, or convenient in the operation, maintenance, or extension of a system of waterworks for supplying the inhabitants of the City of Los Angeles with water,

Water and  
water  
rights to  
be con-  
veyed to  
city.



and in protecting the sources of such water supply from diversion or pollution.

Leasing of lands.

(m) The board may lease, for terms not exceeding three years, any or all of the lands by this article placed under its control, for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may sell, from time to time, such personal property placed under its control, as shall not be longer necessary or suitable for the use of the water department. No real property nor any rights or interests in real property held by said board shall be sold, leased, or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument, duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters or water rights, by this article placed under the control of said board, shall be conveyed, leased, or otherwise disposed of, except as provided in section one hundred and ninety-one of this charter.

Superintendent and members of board.

(n) That the superintendent of waterworks and the five members of the board of water commissioners shall be officers of the municipality in addition to the other officers thereof provided for herein.

Dimensions of private mains.

Section 193. All water mains hereafter laid in said city by any private person, company, or corporation shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

Water rates.

The rates of compensation for use of water to be collected in said city by any person, company, or corporation, other than the board of water commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

Amendment to title of section forty-seven.

That the title of section forty-seven of the charter be amended to read as follows:

Board of Education; Board of Directors of the Los Angeles Public Library; Board of Health; Board of Police Commissioners; Board of Fire Commissioners; Board of Park Commissioners; Board of Water Commissioners.

Amendment to title of section fifty-one.

That the title of section fifty-one of the charter be amended to read as follows:

Superintendent of Waterworks and Water Overseer.

That section fifty-one of the charter be amended to read as follows:

Powers of superintendent of waterworks.

Section 51. The superintendent of waterworks and the water overseer shall have such powers and perform such duties as the board of water commissioners shall prescribe.

That section sixty-six of the charter be amended to read as follows:

Section 66. The city council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed, or otherwise provided for. Salaries.

That section two hundred and nine of the charter be amended to read as follows:

Section 209. Said demands, except demands payable out of the school fund, the library fund, or water revenue fund, shall be presented to the council on forms and blanks to be provided by the city clerk, and shall be referred to its committee on finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the council shall be indorsed thereon, with the date of such action, and certified by the signatures of the president and city clerk; *provided*, that it shall require the votes of two thirds of the members of the whole council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part. Demands,  
how pre-  
sented.

That a new section be added to the charter, to be known as section two hundred and thirteen and one half, and to read as follows:

Section 213½. All demands payable out of the water revenue fund must be presented to the board of water commissioners, and, before they can be approved by the city auditor or paid, must be previously approved by the board of water commissioners, by a vote of three members thereof, taken with the ayes and noes spread upon the minutes, and the action of said board must be indorsed on said demand and signed by the president, and secretary thereof, or, in the absence of the president, by two members and the secretary thereof. After the approval of said demands by the board of water commissioners, they shall be delivered to the city auditor, who shall have the same power and perform the same duties in reference to demands payable out of the water revenue fund, as are prescribed for other demands; *provided*, that in case that the city auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the board of water commissioners, instead of to the council. Demands  
payable  
out of  
water  
revenue  
fund.

That section two hundred and fourteen of the charter be amended to read as follows:

Section 214. Any demand returned to the city clerk, with the objections of either the mayor or city auditor, shall again be considered by the council, and if it shall again be approved by the council by the same vote taken and recorded and indorsed in the same manner as required by section two hundred and nine hereof, the said objections shall be thereby overruled. Any demand returned to the board of education, Demands,  
objected  
to.

the board of directors of the Los Angeles public library, or the board of water commissioners, with the objections of the auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, such objections of the said auditor shall be thereby overruled. Any demand, the objections to which of the mayor have been overruled, shall be delivered to the city auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the mayor. Any demand, the objection to which of the city auditor has been overruled by the council, the board of education, the board of directors of the Los Angeles public library, or the board of water commissioners, as the case may be, shall be delivered to the city auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred and twenty-two of the charter be amended to read as follows:

Suit on  
claim for  
money or  
damages.

Section 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its board of education, board of directors of the Los Angeles public library, or the board of water commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said board of education, board of directors of the Los Angeles public library, or board of water commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the city council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

That section sixty of the charter be amended to read as follows:

Oaths, by  
whom may  
be admin-  
istered.

Section 60. The mayor, city auditor, city treasurer, and each member of in this charter, and of each board and commission provided for in this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by the charter.

Witnesses  
and evi-  
dence.

The city council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before such council, board, or commission, as the case may be, by subpoena, to be issued in the name of said City of Los Angeles, and to be attested by the city clerk of said city. The city clerk shall, upon the demand of the president of the city council, or the presiding officer of any such board or commission, issue such subpoena in the name of said city, and attest the same with the

corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be subpoenaed before the city council or the respective board or commission requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

The chief of police shall cause all such subpoenas to be served by some member of the police department upon the person or persons required to attend before the council or board or commission in such subpoenas designated. Subpoenas.

The city council shall, from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify before such council, board, or commission when required so to do.

That section eighty-two of the charter be amended to read as follows:

Section 82. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain such library, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the provisions of this charter and of the general laws of the state, for the purpose of defraying the cost of such improvements. Tax levy.

That section eighty-three of the charter be amended to read as follows :

Section 83. The mayor shall, immediately after his qualification under this charter, appoint, subject to confirmation by the council, a board of five directors of said library, who shall serve without compensation and be known as "The Board of Directors of the Los Angeles Public Library." They shall be chosen from the citizens at large, without regard to sex or political opinions, but with reference to their fitness for said office, and no member of the city council shall be a member of said board. Library directors.

That section eighty-four of the charter be amended to read as follows:

Section 84. Said directors shall hold office for four years, and until their successors are appointed and qualified. Those first appointed shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term. Term of office.

That section eighty-five of the charter be amended to read as follows:

Organiza-  
tion of  
directors.

Section 85. Said directors shall, immediately after their appointment, meet and organize by the election of a president from among their number, and they may appoint the librarian or any employé of the library department to act as clerk of the board. Such clerk shall keep a record and full minutes in writing of all their proceedings and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and shall serve without extra compensation.

That section ninety-one of the charter be amended to read as follows:

Board of  
police  
commis-  
sioners.

Section 91. The mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section ninety-three of the charter be amended to read as follows:

Police de-  
partment.

Section 93. The police department shall consist of the chief of police and as many subordinate officers and such policemen and detective officers and employés as the council shall, by ordinance, determine. All appointments and removals in the police department shall be made by the board of police commissioners, subject to such civil service regulations as are now or may hereafter be in force.

That section ninety-four of the charter be amended to read as follows:

Salaries.

Section 94. The salaries of members and employés of the police department not herein elsewhere provided for shall be fixed by the council by ordinance.

That a new section be added to the charter to be known as section ninety-five *a*, and to read as follows:

Permit to  
sell liquor.

Section 95*a*. The board of police commissioners shall have power to grant permits, under and in conformity to the ordinances of said city, authorizing the city clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly, or improper manner. Without such permit no person shall engage in the business of selling liquor.

That section one hundred and seven of the charter be amended to read as follows:

Section 107. The mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

Board  
of fire  
commis-  
sioners.

That section one hundred and nine of the charter be amended to read as follows:

Section 109. The fire department shall consist of a chief engineer and assistant chief engineer, a secretary of the department, and as many engineers of the first class, engineers of the second class, relief engineers, captains of the first class, captains of the second class, lieutenants, drivers of the first class, drivers of the second class, drivers of the third class, tillermen, hose-men, laddermen, drivers of supply wagons, and other employes as the council may, by ordinance, from time to time, determine to be necessary. All appointments and removals in the department shall be made by the board of fire commissioners, subject to such civil service regulations as are now or may hereafter be in force.

Fire de-  
partment.

That section one hundred and ten of the charter be amended to read as follows:

Section 110. The salaries of all officers and employes of the fire department, not herein elsewhere provided for, shall be fixed by the council, by ordinance.

Salaries.

That section one hundred and fourteen of the charter be amended to read as follows:

Section 114. The mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of park commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

Board  
of park  
commis-  
sioners.

That section one hundred and twenty of the charter be amended to read as follows:

Section 120. There is hereby established in and for the City of Los Angeles a department to be known as the board of health, to consist of five members, viz.: The mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed without regard to their political

Board of  
health.

opinions, by the mayor, subject to confirmation by a majority of the council. Three of said citizens shall be physicians in good standing and graduates of some reputable medical college.

That section one hundred and twenty-four of the charter be amended to read as follows:

Health  
officer.

Section 124. The board shall appoint and, for good cause, may remove a health officer, who shall also act as city physician, and whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college and shall have practiced medicine at least seven years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the county clerk of Los Angeles county, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits and devote his entire time to the duties of his office. The board shall appoint all assistants to said health officer, and all employes in the health department, the number of such assistants and employes and their compensation to be fixed from time to time by ordinance.

Articles  
XIV, XV,  
XVI, XVII  
repealed.

That Articles XIV, XV, XVI, and XVII of the charter be repealed; *provided, however*, that such repeal shall not affect any proceedings that may be pending under any of said articles at the time this amendment goes into effect.

That the city charter be amended by adding thereto two new sections, to be known as sections one hundred and ninety-eight *a*, and one hundred and ninety-eight *b*, and to read as follows:

The initia-  
tive.

Section 198*a*. *The Initiative*. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, equal in number to the percentages herein-after required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be

signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

The initiative.

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of section one hundred and ninety-eight b of this charter); and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five per cent but less than fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended, except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of six months.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended, accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city, at any



election, the city clerk shall cause the ordinance or proposition to be printed, and he shall inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

The refer-  
endum.

Section 198*b*. *The Referendum.* No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in section one hundred and ninety-eight *a* of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section one hundred and ninety-eight *a*, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

That there be added to the charter a new section, to be known as section one hundred and ninety-eight *c*, and to read as follows:

The recall.

Section 198*c*. *The Recall.* The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk;

*provided*, that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That section two hundred and twenty-three of the charter be amended to read as follows:

Section 223. The indebtedness of said city must not exceed the sum of five million dollars, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of waterworks for supply-

Indebtedness.

ing the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the Constitution and general laws.

That a new article be added to the charter, to be known as Article XXIII, to read as follows:

#### ARTICLE XXIII.

Civil service commission.

Section 229. Immediately upon the adoption of this article, the mayor shall appoint, subject to confirmation by the council, five persons known by him to be devoted to the principles of civil-service reform, who shall constitute and be known as the board of civil service commissioners. They shall serve for the term of four years and without compensation. They shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years, and two at the end of four years.

Quorum.

Three commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be made by the mayor, subject to confirmation by the council, and shall be so made that not more than three members shall at the same time be members of the same political party. Said commissioners shall hold no other office or public employment.

Mayor may remove.

Section 230. The mayor, with the consent of the council, may remove any commissioner for incompetency, neglect of duty, or malfeasance in office.

Offices to be classified.

Section 231. Said commission shall classify all the offices and places of employment mentioned in section two hundred and thirty-nine of this article with reference to the examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of said city; and no appointment to any such offices or places shall be made, except under and according to the rules hereinafter mentioned.

Rules.

Section 232. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

Rules to be printed.

Section 233. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

Section 234. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive, and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate shall include tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Examinations to be competitive.

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication, for two weeks preceding such examination, in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe.

Notice of examination.

Section 236. From the examinations made by the commission, the commission shall prepare a register in each grade or class of position in the classified civil service of the city, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rule of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by examination, without reference to priority of the date of examination.

Order of grading.

Section 237. The commission shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Rules for promotion.

Section 238. The head of the department in which a position classified under this article is to be filled shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates,

Candidates, how selected.

Sex to  
be disre-  
garded.

not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. One of the candidates thus certified shall thereupon be appointed by said head of such department or officer and be employed on probation for a period to be fixed by said rules, but said rules shall not fix such date at exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of a department or office in which the candidate is employed, may discharge him upon assigning in writing his reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

Civil  
service  
appoint-  
ments.

Section 239. The provisions of this article shall apply to the following departments of the city, to wit:

The department of the city clerk,  
The department of electricity,  
The fire department,  
The treasurer's department,  
The tax collector's department,  
The police department,  
The auditor's department,  
The assessor's department,  
The health department,  
The department of building,  
The waterworks department,  
The public library,  
The park department,  
The city engineer's department,  
The street department,  
All departments of public utilities,

Exemp-  
tions.

All other employés of the city,  
*Provided*, that the following shall be exempt therefrom, to wit:  
All officers elected by the people,  
All members of the different boards and commissions,

The mayor's clerk,  
 The chief of police and his secretary,  
 The chief deputy of the treasurer,  
 The chief deputy and cashier of the tax collector,  
 The chief deputy of the city engineer,  
 The chief deputy of the auditor,  
 The city superintendent of schools and his deputies and teachers,

The assistants and stenographers of the city attorney,  
 The city prosecutor and the assistant city prosecutor,  
 The librarian,  
 The superintendent of parks,  
 The secretary of the park commission,  
 The secretary of the police commission,  
 The superintendent of buildings,  
 The humane officer,  
 The chief engineer of fire department,  
 The superintendent, water overseer, auditor, and cashier of the waterworks department,

All physicians appointed on or by the board of health,

All officers of election,

The police surgeon,

And all unskilled laborers employed by the day.

Section 240. The members of the police force shall be subject to removal and discharge as provided elsewhere in this charter. Police force.

Section 241. The members of the fire force shall be subject to removal and discharge as provided elsewhere in this charter. Fire force.

Section 242. No officer or employé in the classified civil service of this city other than one belonging to the police force or fire force, who shall have been appointed under said rules, and after said examination, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the civil service commission. The finding and decision of such commission shall be final and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this article shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the commission shall have power to administer oaths, and shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation for any cause. Nothing in this section shall be construed to require such charges or investigation in case of unskilled laborers. Removal only for cause.

Section 243. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the Notification of appointment.

compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said commission.

Investigate conduct of appointees

Section 244. The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

Annual report.

Section 245. Said commission shall make an annual report to the mayor for transmission to the council. The mayor may require a special report from said commission at any time.

Secretary.

Section 246. Said commission shall appoint a secretary, whose duty it shall be to keep minutes of its proceedings and a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

Officers to aid commission.

Section 247. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

Offices to be furnished.

Section 248. The council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat and light, and is authorized and required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

Obstructing right of examination.

Section 249. No officer or other person shall willfully or corruptly, by himself or in cooperation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being employed, appointed, or promoted.

Applicant not to pay for appointment.

Section 250. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employé shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion.

Vacancies.

Section 251. The commission shall certify to the auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein, whether by dismissal, resignation, or death, and all findings that a person shall be discharged from the classified civil service.

Auditor's duties.

Section 252. The auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employé of such city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

Section 253. All officers and employés, who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employés, who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during a period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

Who exempt from examination.

Probation.

Section 254. The city council of the City of Los Angeles shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

Ordinances.

AND WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, in "The Los Angeles Daily Journal," said publication ending on the 20th day of October, 1902; and

Publication of amendments.

WHEREAS, Thereafter the city council of said city did, by an ordinance known as Ordinance No. 7685 (new series), which was duly adopted on the 17th day of November, 1902, order the holding of a general municipal election in said City of Los Angeles, on the 1st day of December, 1902 (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election; which said ordinance was approved by the mayor of said city on the 17th day of November, 1902, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and

General municipal election.

WHEREAS, At said election more than three fifths of the qualified electors voting thereat voted in favor of the ratification of, and did ratify each and all of said proposed amendments to said charter; and

Result of election.

WHEREAS, The city council of said City of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that more than three fifths of such qualified electors voting at such election had voted for and ratified each and all of the said proposed amendments to said charter; and

Canvass of returns.

WHEREAS, The said proposed amendments so ratified have



been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California;

Now, therefore, be it

Approved  
by legisla-  
ture.

*Resolved by the senate of the State of California, the assembly thereof concurring* (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the said charter of said City of Los Angeles, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to, the said charter of said City of Los Angeles.

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## CHAPTER VII.

*Assembly Concurrent Resolution No. 1, relative to opening and publishing the returns of the election of governor and lieutenant-governor.*

[Adopted February 4, 1903.]

Returns of  
election for  
governor  
and  
lieutenant-  
governor.

*Resolved by the assembly, the senate concurring*, That the senate and assembly meet in joint session in the assembly chamber at two o'clock in the afternoon of this day, January sixth, nineteen hundred and three, for the purpose of being present when the speaker of the assembly shall open and publish the returns of the election for governor and lieutenant-governor, as provided and required by article five, section four, of the Constitution of the State of California.

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## CHAPTER VIII.

*Assembly Concurrent Resolution No. 2, relative to committee on inaugural ball.*

[Adopted February 4, 1903.]

Committee  
on inau-  
gural ball.

*Resolved by the assembly, the senate concurring*, That a committee of three be appointed by the speaker to confer with a like committee from the senate and the inaugural ball committee of Sacramento city upon the inaugural ball ceremonies.

## CHAPTER IX.

*Assembly Concurrent Resolution No. 3, relative to the inaugural ball.*

[Adopted February 4, 1903.]

*Resolved by the assembly, the senate concurring,* That the secretary of state be requested to place at the disposal of the committees having in charge the inaugural ball and banquet, the various halls, corridors, and unoccupied chambers in and about the state capitol, from and after the adjournment of the legislature on Saturday, January tenth, nineteen hundred and three, to the hour of ten o'clock A. M., Tuesday, January thirteenth, nineteen hundred and three.

Inaugural ball and banquet.

## CHAPTER X.

*Senate Concurrent Resolution No. 9, relative to the recent death of Hon. F. C. Franck, of Santa Clara county.*

[Adopted February 4, 1903.]

*Resolved by the senate of the State of California, the assembly concurring,* That a joint committee consisting of three assemblymen and three senators be appointed by the speaker of the assembly and the president of the senate to draft resolutions of respect to the memory of the late ex-assemblyman and ex-state senator, Hon. F. C. Franck, a representative from Santa Clara county.

Relative to death of Hon. F. C. Franck.

## CHAPTER XI.

*Senate Concurrent Resolution No. 5, approving seven certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the fourth day of December 1902.*

[Adopted February 5, 1903.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has ever since the eighth day of January in the year Nineteen hundred and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County at an election held

Preamble.

for that purpose on the twenty-sixth day of May eighteen hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January eighteen hundred and ninety-nine (Statutes of 1899, page 241) and which Charter has never been amended; and

WHEREAS, The Legislative authority of said City and County, namely, the Mayor and the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco eight certain amendments to the Charter of said City and County by the passage and approval of the seven following ordinances of said City and County, to wit:

Amend-  
ments pro-  
posed.

Ordinance No. 526, entitled "Describing and setting forth proposals, to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Sections 1, 2, 3, 4, 6, 7 and 8 of Article XII thereof, by repealing Section 5 of said Article, and by renumbering Sections 6, 7, 8, 9, 10, 11, 12, 13 and 14 of said Article so that they shall be known respectively as Sections 5, 6, 7, 8, 9, 10, 11, 12 and 13 of said Article XII, all relating to the acquisition of public utilities by the City and County, and by amending Section 29 of Article XVI of said Charter, relating to the construction and acquisition of municipal improvements by the City and County," passed July 14th 1902, and approved July 21st 1902.

Ordinance No. 527, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter I of Article VI of said Charter relative to contracts made and entered into by the Board of Public Works of said City and County for work or improvements authorized or ordered by the Supervisors of said City and County," passed July 14th 1902, and approved July 21st 1902.

Ordinance No. 528, entitled "Describing and setting forth proposals to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 2, 4 and 16, respectively, of Chapter II of Article VI of said Charter, relating to street work and street improvement in said City and County," passed July 14th 1902, and approved July 21st 1902.

Ordinance No. 529, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 1, Chapter IV, Article IV of said Charter, relating to the salary of the assessor," passed July 14th 1902, and approved July 21st 1902.

Ordinance No. 530, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 29 of Chapter II, Article VI of said Charter, relating to the cleaning and sprinkling of the public streets," passed July 14th 1902 and approved July 21st 1902.

Ordinance No. 535, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 1, Chapter II, Article II, of said Charter, by adding a new subdivision to be known as Subdivision 36, relating to the relief of aged, indigent and infirm exempt firemen who served in the Volunteer Fire Department between the years 1850 and 1866," passed July 21st 1902, and approved July 26th 1902. Amendments proposed.

Ordinance No. 543, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 27, Section 1, Chapter II, Article II of said Charter, relating to the regulation of street railroads, tracks and cars," passed August 4th 1902, and approved August 9th 1902, and

WHEREAS, Said seven ordinances aforementioned containing said eight proposed amendments to said Charter were in accordance with the provisions of Section eight of Article eleven of the Constitution of the State of California, published for twenty days, after their passage and approval, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the Official Newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Ordinance No. 558, entitled "Calling a special election for the purpose of submitting to the qualified electors of the City and County of San Francisco, eight certain proposals to amend the Charter of said City and County," passed October 13, 1902, and approved October 13th 1902, called a special election to be held on Thursday the fourth day of December Nineteen hundred and two, for the purpose of submitting to the qualified electors of said City and County said eight proposed amendments to said charter; and Special election.

WHEREAS, Said special election was held in said City and County of San Francisco on the said fourth day of December 1902, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" Newspaper; and

WHEREAS, On the eighth, ninth and tenth days of December 1902, at Meetings duly convened in accordance with law and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said special election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County, and Canvass of returns.

WHEREAS, At said special election so held on the fourth day of December 1902, seven of said proposed amendments were ratified by a majority (and more than three-fifths) of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors, and

Statement  
of vote.

WHEREAS, Thereafter, to wit, on the fifteenth day of December 1902, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of votes polled at the special election held in the City and County of San Francisco, State of California, on Thursday the fourth day of December A. D. 1902 for Charter Amendments," and also filed a duplicate thereof in the Office of the Secretary of the State of California, and

Amend-  
ments ratif-  
ied.

WHEREAS, The said seven amendments so ratified by the electors of the City and County of San Francisco at said Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section eight of Article eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

AMENDMENTS TO THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO, RATIFIED BY A MAJORITY (AND MORE THAN THREE-FIFTHS) OF THE ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON THURSDAY, THE FOURTH DAY OF DECEMBER 1902.

That Subdivision 27, Section 1, Chapter II, Article II of said Charter be amended so as to read as follows:

Regulation  
of street  
railroads.

27. To regulate street railroads, tracks and cars; to permit two or more lines of street railways, operated under different managements, to use the same street, each paying an equal portion for the construction and repair of the tracks and appurtenances used by said railways jointly for such number of blocks consecutively, not exceeding ten blocks; to fix, establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads.

That Section 1, Chapter II, Article II of said Charter be amended by adding a new subdivision to be known as Subdivision 36, and to read as follows:

Firemen's  
relief.

36. To allow not to exceed the sum of five thousand dollars a year for the relief of aged, indigent and infirm exempt firemen who served in the Volunteer Fire Department between the years 1850 and 1866.

That Section 1 of Chapter four of Article four of said Charter be amended so as to read as follows:

Assessor.

Section 1. There shall be an Assessor of the City and County, who shall be an elector of the City and County at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of eighteen hundred dollars; six assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; twenty-one clerks, who shall each receive an annual salary of twelve

hundred dollars; and during four months of the year not more than one hundred clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment.

That Section 2 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 2. Application for the doing of any such work or improvement must <sup>Work or improve-</sup> be made in writing to the Board of Public Works by an owner or owners of property liable to be assessed for the same, or by their agents, or by the Board of Health for sanitary reasons, or by the Supervisors, expressed by resolution. <sup>ment.</sup>

Such application need but in general describe or refer to the work or improvement applied for; and if the expense thereof or any portion of such expense is to be assessed upon private property, the Board of Public Works shall investigate the same, and may modify, amend, alter, or increase the same, as it may deem proper; and if the Board determine that the work or improvement so applied for, or as so modified, amended, altered or increased, is expedient, it shall so report to the Supervisors; the Supervisors shall not order any such improvement until the same has been recommended by said Board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the City and County, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors, order the doing of said work, or the making of said improvement. <sup>Board of public works.</sup>

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the City and County, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works, except in the case herein before provided, and all such recommendations shall be made matters of record in the office of said Board.

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection

or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation.

That Section 4 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Objections  
to im-  
prove-  
ments.

Section 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block, or more, and, in the case of a district, those owning more than one-half of the superficial area of the district, exclusive of street surface, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the Secretary of the Board of Public Works, who shall indorse thereon the date of their reception by him. Such objections shall delay for six months any further proceedings in relation to the doing of said work or making said improvement, under the said resolution of intention, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and thereupon the proceedings shall be continued under the said resolution of intention, if said Board shall deem proper.

If, however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in case of a district, those owning at least two-thirds of the superficial area of the district, exclusive of street surface, shall make written objections to the said proposed work or improvement, after the expiration of the time hereinbefore fixed for making the objections in the first instance to the same (and which objections delayed for six months any further proceedings in relation to the doing of said work or making said improvement under said resolution of intention) and before the expiration of the said six months, no further proceedings shall be taken under the said resolution of intention. But if no such objections have been made, then the Board of Public Works, after the expiration of said six months, shall, if it deem proper, continue the proceedings under the resolution of intention aforesaid, notwithstanding the objections first made, as hereinbefore provided, or any further objections to the doing of said work or making said improvement.

Sewers,  
street  
crossings,  
etc.

But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, drains, cesspools, catch basins or storm water inlets, or of sidewalks, or of curbs, or any work or improvement on a street crossing, or on a street intersection, and written objections thereto have been delivered to the Secretary of the Board of Public Works within the time hereinbefore provided, by the owners of a majority of the frontage or of the district aforesaid, and in case of work or improvement on a street crossing or a street intersection, by the owners of a majority of the street frontage liable to be assessed therefor, the Board shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The

Secretary of the Board shall thereupon notify the persons making such objections by depositing a notice thereof in the Postoffice at the City and County, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the Board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

And when not more than two blocks on a street, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon such street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, proceedings for the doing of any work or improvement, upon said intervening ungraded or unimproved part of said street, or at the end of a street, shall not be stayed or prevented by any written or other objections, unless the Board shall deem proper.

When objections shall not stay improvements.

And if one-half or more in width or in length, or as to grading, one-half or more of the grading work, of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved, as aforesaid, the Board may proceed as in this Chapter provided, to have the remainder improved, graded, or otherwise, notwithstanding any objections of property owners.

In all cases of work or improvement in this section hereinbefore provided, where the Board of Public Works is vested with power to continue proceedings in relation to any proposed work or improvement, notwithstanding any objections of property owners to the doing of the same, the Board may determine that such work or improvement is expedient, or that the public interest or convenience requires the doing of the same, and it may institute proceedings therefor and the provisions of Section 2 of this Chapter, requiring a written application to the Board in the first instance, to be made therefor, shall not be applicable thereto.

Board may determine expediency of work.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the Secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition of remonstrance shall be passed upon by the Board, and its decision thereon shall be final and conclusive.

Remonstrance.

That Section 16 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 16. When any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk, in the City and County, none of which has been accepted by the Supervisors as in this Chapter provided, shall be so out of repair as to endanger persons or property passing

Streets, etc., out of repair.



thereon, or so as to interfere with the public convenience in the use thereof, the Board of Public Works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court or place, or fronting on such portion of said sidewalk so out of repair as aforesaid, by a notice in writing, to be delivered to them or their agents, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk, in front of the property of which he is the owner or tenant, or occupant. The Board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the Board may make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following: whereupon the contract shall be awarded to the lowest responsible bidder.

Bids.

Contracts  
for repairs

All of said bids shall be preserved in the office of the Board, and shall be open at all times after the letting of the contract to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the Board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the Board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same.

That Section 29 of Chapter II, Article VI of said Charter be amended so as to read as follows:

Cleaning  
and  
sprinkling.

Section 29. The Board shall cause the public streets to be properly cleaned and sprinkled and for that purpose may employ such laborers and other employes as may be necessary, and may, with the consent of the Supervisors, expressed by Ordinance, purchase teams, machinery, materials and other appliances as may be deemed necessary for said work; but the Board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and the funds at its disposal.

The Board may, if the public interest will be subserved, cause the cleaning and sprinkling of the public streets to be performed, either in whole or in part, by public contract. In such case the Board shall divide the city, or such portions of the city as it shall determine to have cleaned or sprinkled by public contract, into such number of districts as in its

judgment will best induce competition for bids, and secure the cleaning or sprinkling of such streets at the lowest cost.

The Secretary of the Board shall, under its direction, cause to be published for a period of ten (10) days a notice inviting proposals for cleaning or sprinkling each of said districts in accordance with the specifications on file at the office of the Board. Bids shall be made for each district separately. All the provisions of this Article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts shall be applicable to said contracts.

That Section 1 of Article XII of said Charter be amended so as to read as follows:

Section 1. Whenever the Board of Supervisors by ordinance, as hereinafter provided, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Section 3 of this Article, for the acquisition of any public utility or utilities, the Board of Supervisors must procure from the Board of Public Works, through the City Engineer, plans and estimates of the cost of original construction and completion, by the City and County of such public utility or utilities.

Public  
ownership  
of utilities.

In securing estimates of the cost of original construction and completion of water works, by the City and County, the Board of Supervisors must procure, as hereinabove specified, and place on file plans and estimates of the cost of obtaining, from such sources as the Board of Supervisors may designate as available, a sufficient supply of good, pure water for the City and County.

That Section 2 of Article XII of said Charter be amended so as to read as follows:

Section 2. Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Supervisors must solicit and consider offers for the sale to the City and County of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof.

Super-  
visors to  
solicit  
offers.

That Section 3 of Article XII of said Charter be amended so as to read as follows:

Section 3. Whenever a petition or petitions, each signed by electors of the City and County equal in number to fifteen per centum of all the votes cast in the City and County at the last preceding general election, shall be presented to the Board of Supervisors, setting forth that the signers of such petition or petitions favor the acquisition of the public utility or utilities therein named, it shall be the duty of the Clerk of the Board of Supervisors to immediately proceed to examine and verify the signatures to such petition or petitions, and to certify the result of such examination to the Board of Supervisors. If the required number of signatures be found to be genuine, the Clerk shall transmit to the Mayor an authentic copy of such petition or petitions, without the signatures thereto.

Acquisi-  
tion of  
public  
utilities.

Upon receiving a certificate of the Clerk that the petition or petitions contain the required number of genuine signatures, it shall be the duty of the Board of Supervisors to procure, in the manner specified in Section 1 of this Article, plans and estimates of the cost of original construction and completion of each public utility named in such petition or petitions.

Thereafter, the Board of Supervisors shall formulate for submission to the electors of the City and County at a special election called for the purpose, a separate proposition for the acquisition of each public utility named in such petition or petitions.

The Mayor shall also have the right to formulate and submit to the electors, at such special election, a proposition for the acquisition of each public utility named in such petition or petitions, separate from the proposition therefor formulated by the Board of Supervisors.

All propositions formulated under the provision of this Section shall be completed within six months after the filing of such petition or petitions.

Nothing in this Section shall be so construed as to prohibit the Board of Supervisors from responding to the aforesaid petition or petitions of the electors requesting the acquisition of any public utility or utilities by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an Ordinance declaring its determination, as provided in Section 5 of this Article, to acquire the same and from proceeding thereafter to secure the acquisition thereof, as hereinafter provided.

That Section 4 of Article XII of said Charter be amended so as to read as follows:

Special  
election.

Section 4. At the next regular meeting after the completion of the proposition or propositions for the acquisition of the public utility or utilities named in such petition or petitions, the Board of Supervisors by Ordinance, as hereinafter in Section 6 provided, shall call a special election at which the propositions of the Board of Supervisors and of the Mayor, if he formulate any, shall be submitted to the electors of the City and County.

Cost of  
public  
utilities.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, each proposition therefor, submitted to the electors, shall specify the cost of the utility therein proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and the Board of Supervisors shall submit therein to the electors the question whether the same shall be acquired upon such terms. A majority of the electors voting at such special election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such special election as the Board of Supervisors shall deem for the best interests of the City and County, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition of any public utility or

utilities named in any proposition or propositions accepted by a majority of the electors voting at such special election.

If, however, the cost of any public utility or utilities, named in any petition or petitions of the electors, shall so far exceed the annual revenues of the City and County, in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, each proposition for the acquisition of such public utility or utilities shall specify the amount of the bonded indebtedness necessary therefor and the rate of interest thereon, and the Board of Supervisors shall submit to the electors, at such special election, the question whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to secure the acquisition of such public utility or utilities and to warrant the issuance of municipal bonds therefor.

That Section 5 of Article XII of said Charter be annulled and repealed. Section 5 of Article XII repealed.

That Section 6 of Article XII of said Charter be amended so as to be known as Section 5 of Article XII of said Charter and to read as follows:

Section 5. Whenever the Board of Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an Ordinance, which shall also direct the Board of Public Works to procure and file plans and estimates of the cost of original construction and completion of such public utility or utilities. Such Ordinance shall be published for at least two weeks in the official newspaper. Declaration by board of supervisors

When the cost of such public utilities, or any of them, can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, the Board of Supervisors shall, as soon after the filing of the plans and estimates of cost thereof as it may deem for the best interests of the City and County, enter into such negotiations and contracts as may be necessary for the acquisition of the same.

If, however, the cost of such public utilities, or any of them, shall so far exceed the annual revenues of the City and County in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, the Board of Supervisors shall, at any regular meeting held within eight weeks after the filing of the plans and estimates of cost thereof, by Ordinance, as hereinafter in Section 6 of this Article provided, call a special election, at which shall be submitted to the electors a proposition or propositions for the acquisition of such public utility or utilities. Such propositions shall specify the amount of the bonded indebtedness necessary for the acquisition of the utility or utilities therein named and the rate of interest thereon, and the Board of Supervisors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall Bonded indebtedness

be necessary to warrant the issuance of municipal bonds for the acquisition of such public utilities, or any of them.

That Section 7 of Article XII of said Charter be amended so as to be known as Section 6 of Article XII of said Charter and to read as follows:

Ordinance  
for special  
election.

Section 6. Whenever, under the provisions of this Article, it shall be necessary to call a special election for the purpose of submitting to the electors a proposition or propositions for the acquisition of public utilities, the Board of Supervisors shall pass an Ordinance calling such special election for such purpose.

At such special election all propositions for the acquisition of public utilities, formulated under the provisions of this Article, may be submitted to the electors of the City and County. No question except the acquisition of public utilities and the incurring of municipal indebtedness therefor shall be submitted at such special election.

That Section 8 of Article XII of said Charter be amended so as to be known as Section 7 of Article XII of said Charter and to read as follows:

Ordinance;  
what shall  
set forth.

Section 7. The Ordinance calling such special election shall set forth the purposes for which the election is called, the estimated cost of each utility proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election and the manner of voting for or against each proposition thereat submitted to the electors; and, if it shall be necessary to incur a municipal indebtedness for any utility or utilities therein proposed for acquisition by the City and County, the Ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the City and County shall issue for the payment of the cost of such utility or utilities, as in such Ordinance set forth (if the proposition or propositions therefor be accepted by the electors). Such election shall be held as provided by law for holding elections in the City and County.

That Section 9 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 8 of Article XII of said Charter, viz:

Publica-  
tion.

Section 8. Such Ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.

That Section 10 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 9 of Article XII of said Charter, viz:

Limit of  
indebted-  
ness.

Section 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Article,

which, together with the existing bonded indebtedness of the City and County, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the City and County.

That Section 11 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 10 of Article XII of said Charter, viz:

Section 10. The bonds issued under the provisions of this Article shall be of the character of bonds known as serials, and shall be payable in lawful money of the United States. The Supervisors shall decide at the time of the issue of the bonds in what lawful money of the United States said bonds shall be payable. Not less than one-fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the Supervisors, together with the interest on all sums unpaid at such date. Bonds.

The bonds so issued shall be exempt from all taxation for municipal purposes, and shall be issued in denominations of not less than ten dollars nor greater than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and lowest denominations.

Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed four per centum per annum, payable annually, semi-annually or quarterly, as the Supervisors may determine. Such bonds when issued may be sold by the Supervisors from time to time as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States as aforesaid to the highest bidder at not less than par, after having been advertised in the official newspaper. They shall be sold under sealed proposals, and the Supervisors shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sales shall be placed in the treasury to the credit of the proper fund and shall be applied exclusively to the purposes and objects mentioned in the Ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the General Fund.

That Section 12 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 11 of Article XII of said Charter, viz:

Section 11. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer. Coupons.

That Section 13 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 12 of Article XII of said Charter, viz:

Section 12. At the time of levying the municipal tax and in Tax levy  
for bonds.

the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 14 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 13 of Article XII of said Charter, viz:

Cause for removal.

Section 13. A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal.

That Section 29 of Article XVI of said Charter be amended so as to read as follows:

Proposition to incur bonded indebtedness.

Section 29. When the Supervisors shall determine that the public interest requires the construction or acquisition of any permanent building or buildings, improvement or improvements, land or lands, the cost of which in addition to the other expenses of the City and County will exceed the income and revenue provided for the City and County for any one year, they must by Ordinance submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the City and County at a special election to be held for that purpose only. All provisions of this Charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions to the electors, to the limitations of said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sales of such bonds shall be paid into the treasury to the credit of the Public Building Fund.

Certificate of mayor and clerk.

STATE OF CALIFORNIA,  
CITY AND COUNTY OF SAN FRANCISCO. } ss.

This is to certify that we, E. E. Schmitz, Mayor of the City and County of San Francisco, and Chas. W. Fay, Clerk of the Board of Supervisors of said City and County have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original ordinances proposing such amendments and submitting the same to the electors of said City and County at a Special Election called for that purpose on Thursday the fourth day of December Nineteen hundred and two, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

In Witness Whereof, we have hereunto set are hands and cause the same to be authenticated by the Seal of said City

and County of San Francisco, this 14th day of January Nineteen hundred three.

E. E. SCHMITZ,  
Mayor of the City and County of San Francisco.

[SEAL]

CHAS. W. FAY,  
Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore be it,

*Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.*

Approval  
by legisla-  
ture.

## CHAPTER XII.

*Senate Concurrent Resolution No. 8, relative to the consent of the legislature to the absence of his excellency, George C. Pardee, Governor of the State of California, from the state for more than sixty (60) days.*

[Adopted February 5, 1903.]

*Resolved, by the senate, the assembly concurring, That the legislature of the State of California has consented, and does hereby consent, that his excellency, George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; provided, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.*

Leave of  
absence for  
governor.

## CHAPTER XIII.

*Assembly Joint Resolution No. 4, relative to about seven million acres of public land in this state withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.*

[Adopted February 6, 1903.]

*To the President of the United States, Congress of the United States, and the Department of the Interior:*

The legislature of the State of California, now assembled, presents the following memorial:



Forest  
reserves.

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over seven million acres of government land in this state, as proposed forest reserves; and

WHEREAS, No definite action has yet been taken by the President of the United States and the Department of the Interior towards making these proposed reserves permanent reserves; and

WHEREAS, Many interests of the people of the whole state are involved in said proposed reservation, including mining, stock, and agricultural interests; and

WHEREAS, The permanent establishment of these reserves under the present existing reserve laws will cause great and lasting damage to many of the aforesaid interests; now, therefore, be it

Urging in-  
vestigation

*Resolved*, That the legislature of the State of California, representing the whole people of this state, request the President of the United States, the Department of the Interior and the Commissioners of the General Land Office to defer all action tending towards the permanent establishment of said reserves pending investigation into the question by the Department of the Interior; and be it further

Special  
commis-  
sion.

*Resolved*, That the legislature of the State of California hereby requests the President of the United States, or the Department of the Interior, or Congress of the United States, whichever body may have such power, to immediately appoint a special commission to investigate and report the facts, conditions and matters connected with and surrounding the said proposed forest reserve in the State of California, and that said commission be empowered to hear testimony, personally examine the proposed forest reservations, and report fully thereon as to all conditions and interests surrounding, involved in and affected by the said forest reservations.

*Resolved*, That the Clerk of the Assembly be instructed to forward a copy of the resolution to the President of the United States and the Secretary of the Interior.

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#### CHAPTER XIV.

*Senate Constitutional Amendment No. 4, a resolution to propose to the people of the State of California an amendment to the constitution, by adding thereto a new section to article nine to be known as section twelve, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."*

[Adopted February 6, 1903.]

*Resolved by the senate, the assembly concurring*, That the legislature of the State of California, at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the

houses of said legislature voting in favor thereof, hereby proposes that article nine of the Constitution of the State of California be amended by adding thereto a new section, to be known as section twelve, and reading as follows:

Section 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the governor. The legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Property of California Academy of Sciences exempt from taxation.

## CHAPTER XV.

*Senate Concurrent Resolution No. 10, approving the charter of Salinas City, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 12th day of January, 1903.*

[Adopted February 11, 1903.]

WHEREAS, Salinas City, a municipal corporation in the County of Monterey, State of California, now is, and was at all of the times herein referred to a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and,

Preamble.

WHEREAS, At a special election duly held in said city on the eleventh day of August in the year one thousand nine hundred and two, in accordance with law and the provisions of section eight, article eleven of the constitution of said state, a board of fifteen freeholders, duly qualified, was elected, to prepare and propose a charter for the government of said city; and,

WHEREAS, Said board of freeholders did, within ninety days after such special election, frame, prepare and propose a charter for the government of said Salinas City; and,

WHEREAS, Such a charter was, on the third day of November, in the year one thousand nine hundred two, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the Mayor of Salinas City, and the other copy thereof was filed with, and in the office of the County Recorder of the County of Monterey; and,

WHEREAS, Said proposed charter was thereafter published in the Salinas Daily Index, a daily newspaper of general circulation, printed, published and circulated in said Salinas City,

for a period of twenty days and more, and the first publication thereof was made within twenty days after the completion of said charter; and,

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the Mayor and Common Council of Salinas City to the qualified voters of said Salinas City, at a special election, previously duly called and thereafter held in said city on the twelfth day of January in the year one thousand nine hundred three; and,

WHEREAS, At said last mentioned special election a majority of the qualified electors of Salinas City voting thereat did vote in favor of and duly ratified said charter so proposed; and,

WHEREAS, The same is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of the State of California; and,

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

## CHARTER OF SALINAS CITY.

### ARTICLE I.

#### BOUNDARIES, GENERAL POWERS AND LIABILITIES.

##### *Name, Powers and Liabilities.*

Corporate  
name and  
powers.

SECTION 1. The municipal corporation now existing, known as Salinas City, shall remain and continue a body politic and corporate, in name and in fact, by said name of Salinas City, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may make and enter into contracts and incur indebtedness; may purchase, acquire, receive, hold and enjoy real and personal property, within and without its corporate limits, and may lease, sell, convey and dispose of the same for the common benefit; may purchase, construct, or otherwise acquire water works, artificial light works, street railroads and other public utilities and manage and operate the same; may determine and declare what are public uses and when the necessity exists of condemning land therefor and what land it is necessary to condemn; may receive bequests, gifts, or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts, or donations; and may do and perform all other acts necessary or incident to the exercise of the powers, by the charter or otherwise, granted to said city.

Resources  
and lia-  
bilities.

SEC. 2. All public buildings, land, property, rights of property, rights of action, money, revenue and income belonging or appertaining to Salinas City at the time this charter shall go into effect, shall continue thereafter to vest in, and belong

to said city, and said city shall continue to have, hold, own and enjoy all such public buildings, real and personal property, rights of property, rights of action, money, revenue, income, books, documents, records, archives, claims, demands and things, in possession and in action, of every kind and description, theretofore owned, held by, or vested in said municipality; and said Salinas City shall thereafter continue to be subject to and liable for all of its prior obligations, debts, dues, duties and liabilities.

*City Boundaries.*

SEC. 3. The boundaries of Salinas City shall be and remain as now fixed and established and are described as follows: <sup>Bound-</sup>  
 Commencing at a point north nine degrees and thirty minutes <sup>aries.</sup>  
 west, four thousand five hundred seventy-two and forty-eight one hundredths feet from the monument at the intersection of the center lines of Main and Gabilan streets in Salinas City, thence at right angles to the center line of said Main street, north eighty degrees and thirty minutes east, one thousand six hundred and one-half feet to the westerly side of the county road leading from Salinas City to Santa Rita; thence along the west side of said road north three degrees and thirty minutes east, three thousand three hundred and twenty-eight feet to a point opposite the northern line of Sherwood Park; thence south eighty-six degrees and forty-five minutes east one thousand one hundred forty-six and one-half feet to the northeastern corner of said park; thence following the course of the eastern side of said Sherwood Park south three degrees and fifteen minutes west, three thousand sixty-five feet to station; thence north eighty degrees and thirty minutes east, one thousand seven hundred seventy-four and one-half feet to the northeastern corner of Salinas City; thence south nine degrees and thirty minutes east, nine thousand one hundred forty-five feet to the southeastern corner of said city; thence south eighty degrees and thirty minutes west, nine thousand one hundred forty-five feet to the southwestern corner of said city; thence north nine degrees and thirty minutes west, nine thousand one hundred forty-five feet to the northwestern corner of said city; thence north eighty degrees and thirty minutes east, four thousand five hundred seventy-two and one-half feet to the place of beginning.

*Ward Boundaries.*

SEC. 4. Salinas City is hereby divided into four wards, <sup>Wards.</sup>  
 which shall be designated respectively, the First Ward, Second Ward, Third Ward and Fourth Ward, and are described as follows:

First Ward: The First Ward shall consist of all of that portion <sup>First ward.</sup>  
 of Salinas City lying north of the center lines of Alisal street and the Alisal road, and east of the center lines of Main street, San Juan street and the Santa Rita road.

Second Ward: The Second Ward shall consist of all of that <sup>Second</sup>  
 portion of Salinas City lying north of the center line of <sup>ward.</sup>

Alisal street and its prolongation in a straight line westerly to the western boundary of said city, and west of the center lines of Main street, San Juan street and the Santa Rita road.

Third ward Third Ward: The Third Ward shall consist of all that portion of Salinas City lying south of the center line of Alisal street and its prolongation in a straight line westerly to the western boundary of said city, and west of the center lines of Main street and South Main street.

Fourth ward. Fourth Ward: The Fourth Ward shall consist of all of that portion of Salinas City lying south of the center lines of Alisal street and the Alisal road, and east of the center lines of Main street and South Main street.

## ARTICLE II.

### LEGISLATIVE DEPARTMENT.

#### *The Council.*

City council. SECTION 1. The legislative power of Salinas City shall be vested in a council consisting of eight members. Two councilmen shall be elected from each ward by the qualified electors thereof. Those first elected under the provisions of this charter shall so classify themselves, by lot, that one councilman from each ward shall go out of office at the end of two years, and the other at the end of four years, and thereafter, at each regular municipal election, one councilman shall be chosen from each ward to serve for a term of four years. A councilman must be a citizen of the State of California and a resident and duly qualified elector of Salinas City and of the ward from which he is chosen for one year immediately preceding his election.

Vacancies. SEC. 2. Any vacancy in the office of councilman shall be filled by appointment by the mayor, which appointment must be confirmed by the council. The person so appointed must possess all the qualifications herein prescribed for councilmen and shall hold office for the remainder of the unexpired term, or until the next regular municipal election, when a councilman shall be elected to serve during the remainder of such term.

Meetings. SEC. 3. The council shall meet on the first Monday of each month unless that day be a legal holiday, when it shall meet on the succeeding day. Special meetings of the council may be called by the mayor at any time. He shall issue a call therefor, in writing, signed by himself, which shall specify the time and place of such meeting and the purpose for which it is called; and no business other than that specified in the call shall be transacted at such meeting. A copy of the call shall be personally served upon each member of the council then in Salinas City at least two hours prior to the time fixed for the meeting.

Place of meetings. SEC. 4. All meetings of the council shall be public, and when possible, shall be held in the City Hall of Salinas City;

but if at any time circumstances shall render meeting at the City Hall impossible or impracticable, the council may, by ordinance or resolution, designate some other meeting place within the city.

SEC. 5. The mayor shall be the presiding officer of the council, but shall not vote except in case of a tie. The council shall, at its regular meeting in July of each year, elect from its own members a president pro tem., who may be changed by it at any time, and who shall preside over it during the absence of the mayor. .

Presiding  
officer.

SEC. 6. A majority of all of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

Quorum.

SEC. 7. The council may make and adopt rules for its proceedings and shall have power to enforce the same and may punish its members by reprimand, fine or expulsion for violation thereof, disorderly conduct in its presence, or malfeasance in office. The council shall also have the power to compel the attendance and examination of witnesses and the production of all books, records and papers relating to any business or investigation before it, and may punish disobedience of its subpoena, or refusal to testify, or disorderly or contemptuous conduct in its presence by a fine of not exceeding one hundred dollars, or by imprisonment for not exceeding five days, or by both such fine and imprisonment.

Rules.

Witnesses.

SEC. 8. The council shall cause a journal of its proceedings to be kept by the city clerk, under its directions, and the vote shall be taken by "ayes" and "noes" and entered in the journal upon the passing of any ordinance, or the granting of any franchise, and in all other cases upon the demand of one member of the council.

Minutes.

SEC. 9. Every legislative act of the council shall be by ordinance and no ordinance shall be passed except by bill. No ordinance shall be passed or resolution adopted except the same receive the affirmative votes of a majority of the members of the council.

Ordi-  
nances.

SEC. 10. Every bill, after it has been passed by the council shall be, forthwith, authenticated by the city clerk and presented to the mayor for his approval. The mayor shall return such bill to the city clerk within ten days after receiving it. If he approve it, he shall endorse such approval thereon over his signature and the bill shall thereupon become an ordinance. If he disapprove it, he shall specify his objections thereto, in writing, which he shall also deliver to the city clerk. If the bill be not returned with the mayor's approval or disapproval, within the time above specified, it shall become an ordinance with the same effect as though it had been approved. When a bill is returned without the approval of the mayor, the city clerk shall lay it, together with the mayor's objections thereto, before the council, at its next regular meeting. The objections shall be entered at length in the journal and the council shall

Authenti-  
cation of  
bills.

proceed to reconsider and vote upon said bill. If the bill be again passed by the affirmative votes of at least seven councilmen, that fact shall be certified by the city clerk and it shall become an ordinance with like effect as if it had been approved by the mayor; but if such bill fail to receive the affirmative vote of seven councilmen it shall be finally lost.

Enacting clause.

SEC. 11. The enacting clause of all ordinances shall be as follows: "The Council of Salinas City does ordain as follows:"

Re-enacted ordinances

SEC. 12. No ordinance shall be revised, re-enacted, or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof to be amended, shall be re-enacted at length, as revised or amended.

Franchises

SEC. 13. No ordinance granting a franchise shall be put upon its final passage within less than ten days after its introduction, nor at any time other than a regular meeting.

SEC. 14. No ordinance shall be repealed, except by an ordinance duly adopted for that purpose.

Publication.

SEC. 15. All ordinances must, before going into effect, be published by one insertion in some newspaper, published and circulated in Salinas City, selected and designated by the council for that purpose.

SEC. 16. Every ordinance, unless otherwise provided by law or in such ordinance, shall take effect ten days after its passage and approval, provided that it has been published as herein required.

SEC. 17. All ordinances shall be deposited with the city clerk, who shall record them, at length, in a suitable book to be kept by him for that purpose.

Ordinances to be published in book form.

SEC. 18. The council shall, within one year after this charter goes into effect, and every five years thereafter, cause the ordinances then in force to be classified, indexed and published in book form. Each city officer shall be furnished with a copy of such book, free of charge, and the remainder shall be kept for sale, by the city clerk, at a price to be fixed by the council.

#### *Powers of the Council.*

Powers of council.

SEC. 19. Subject to the provisions, limitations and restrictions in this charter contained, the council shall have power:

1. To make and enact all ordinances not repugnant to nor inconsistent with the provisions of this charter, the constitution and laws of the State of California and the United States.

2. To acquire, by purchase or condemnation, such property as may be required for public use.

3. To use, care for, manage, control, improve, lease and sell, all real and personal property belonging to Salinas City; *provided, however,* that said council shall have no power to pledge, hypothecate, or mortgage any of the property of said city.

4. To lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts and public places within said city, and to fix and alter their official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering and lighting

thereof; to manage and control such streets, roads, highways and public places and to regulate the use thereof; to regulate or prohibit the placing or maintaining of trees, hitching posts, signs, awnings and other obstructions therein, and to remove obstructions therefrom. Powers of council.

5. To require the owners of real property in the city to remove grass, weeds and obstructions from the sidewalks in front of their property and, upon their refusal, failure or default to cause such work to be done and the cost thereof to be made a lien upon said property, or otherwise recovered from such owners.

6. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained and to prohibit the same within such limits.

7. To regulate the construction of buildings, structures, sheds awnings and signs within the city and to condemn the use or occupation of unsafe buildings and structures.

8. To regulate the size and construction of the entrances to, and exits from theaters, lecture rooms, churches and other public buildings and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings.

9. To examine, either in open session or by committee or commission, all books, papers, vouchers, reports, statements, documents and records of the several officers and employés of the city and any other person having care, custody, or control of any money, funds, or property belonging or appertaining to said city or any of its funds, trusts or uses.

10. To make all necessary rules to govern the official conduct and prescribe the duties of all officers and employés of the city whose duties are not defined in this charter; and to impose additional duties upon those whose duties are herein set forth.

11. To fix the salary and prescribe the compensation of all officers and employés of the city whose salary or compensation is not fixed or prescribed in this charter.

12. To fix the fees and charges for official services not otherwise provided for.

13. To provide for holding municipal elections, give notice thereof, establish and alter election precincts and appoint all election officers.

14. To ordain, make and enforce, within the city, all proper local police and sanitary regulations.

15. To define and prevent nuisances and to provide for the abatement or summary removal thereof.

16. To regulate the management of slaughter-houses, chemical works, glue factories, laundries, tanneries and all other offensive trades; and all manufactories, works and business, of every description, which may endanger the public health, safety or comfort; and to restrict the same to fixed limits, or prohibit their maintenance within the city.

17. To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fire-works and other explosive substances and materials.



Powers of  
council.

18. To regulate the storage of oil, hay, straw and other inflammable material within the city.

19. To regulate the use of steam and gas engines and steam boilers within said city.

20. To levy and collect, within the limits provided by this charter, taxes on all property, real or personal, within the city, made taxable by law for state and county purposes.

21. To license, for the purpose of regulation and revenue, all and every kind of business, not prohibited by law and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein; and to fix the license tax upon the same, and to provide for the collection thereof.

22. To manage and control the city's finances and to examine all accounts, claims and demands against the city; and to allow and cause to be paid, or to reject the same, in whole or in part, as found just and legal or otherwise.

23. To provide for the purchase of any property levied upon under execution in favor of the city; *provided* that the amount paid for such property shall, in no instance, exceed the amount of the city's judgment and costs.

24. To provide for the proper execution of all lawful trusts confided to the city.

25. To establish, maintain and manage public markets within the city.

26. To provide for the city's printing and advertising.

27. To provide for naming streets and numbering houses within the city.

28. To provide for the erection, maintenance and repair of all municipal buildings, and for the cleaning and lighting thereof.

29. To provide suitable rooms and buildings for the courts, boards and officers of the city and supply the same with fuel; light and such furniture, books, stationery and other supplies as may be required for the convenient transaction of public business.

30. To provide for the preservation, maintenance and extension of the city's sewer system; to make and enforce all proper rules and regulations for the management and use of the same; and, when necessary to the public health, to require buildings, structures, water-closets, urinals, sinks, etc., to be connected therewith.

31. To regulate or prohibit the excavation or construction and use of cesspools, privy-vaults, privy-pits, etc., within said city, or any part or parts thereof.

32. To provide a seal for Salinas City, for the city police court and for such officers and departments of the city government as may require the same.

33. To fix and prescribe fines, forfeitures and penalties for the breach or violation of the city's ordinances, but no such penalty shall exceed a fine of five hundred dollars, or imprisonment for ninety days, or both such fine and imprisonment.

34. To provide for and maintain a city prison, and to provide

for the government, maintenance and clothing of persons detained therein. Powers of council.

35. To provide for the formation of a chain-gang of persons imprisoned upon conviction in the city police court and for the employment of such persons for the benefit of the city.

36. To establish and maintain a public pound; and to regulate or prohibit the running at large of animals within the city, and to provide for the impounding, sale, or destruction of such animals as may be found at large, in violation of its ordinances and regulations.

37. To regulate or prohibit the keeping of animals within the city or any district or part thereof.

38. To prevent any riotous assemblage or disorderly conduct within the city.

39. To organize, maintain, regulate and control the police department and fire department of Salinas City.

40. To prohibit and suppress houses of ill-fame, prostitution or assignation and to punish the keepers and inmates thereof and all persons visiting the same for immoral purposes.

41. To prohibit and suppress all indecent and immoral amusements, games and exhibitions and to punish persons taking part therein.

42. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who has committed a felony within the city; and to authorize the payment thereof.

43. To regulate or prohibit the establishment of cemeteries and the interment of the dead within Salinas City; to establish, maintain, govern and control cemeteries within or without said city and to provide for selling or leasing lots in such cemeteries.

44. To provide and maintain a morgue.

45. To require every person or corporation operating any railroad in the city to grade and pave the street between and for a distance of two feet on each side of the tracks and keep the same in good repair.

46. To regulate the speed with which steam engines, railway trains, tram cars, automobiles, vehicles drawn by horses, bicycles and other vehicles are driven through the city, or any part thereof.

47. To require persons and companies operating railroads in the city, to maintain flag-men, watchmen, gates, or bells, as it may deem necessary, to give warning of the approach of trains, at points where their tracks cross streets at grade.

48. To grant the right to construct and maintain and to regulate the construction and maintenance of all pipes, tubes, conduits, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, and highways, within the city; to require all telegraph, telephone and electric light wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Powers of council.

49. To make all rules and regulations necessary and proper for carrying into execution the foregoing, and all other power vested in the council by the provisions of this charter or by law.

Charges against city officials.

SEC. 20. Whenever the mayor shall prefer charges, in writing against any officer of Salinas City (other than a councilman) charging him with willful neglect of official duty, embezzlement of public money or funds, malfeasance or corrupt conduct in office, the council shall fix a time, not less than five nor more than twenty days distant for hearing the same. The person accused must be, forthwith, served with a copy of the charges, together with notice of the time and place of hearing, and shall have the right to appear and defend, either in person or by counsel, to cross examine witnesses produced against him and to introduce evidence in his own behalf. The hearing shall be public and if the accused be found guilty by the votes of three-fourths of all the members of the council, he shall be removed from office and the vacancy so created shall be filled in the manner herein provided.

Violation of ordinances.

SEC. 21. The violation of any ordinance of Salinas City shall constitute a misdemeanor and all prosecutions therefor shall be in the name of the people of the State of California.

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

##### *The Mayor.*

Chief executive.

SECTION 1. The chief executive officer of Salinas City shall be the mayor. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He shall be not less than thirty years of age, and must be a resident of the city for five years immediately preceding his election.

Presiding officer.

SEC. 2. The mayor shall be the presiding officer of the council but shall have no vote except in case of a tie. He may call special meetings of the council, and must do so upon the request, in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the council; and he shall have the right to be present at the meetings of all of its standing and special committees.

Enforcement of laws.

SEC. 3. The mayor shall see that the laws of the State of California, the provisions of this charter and the ordinances of Salinas City are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots, and tumults, for which purpose he may use the police force and, in case of necessity, may call upon the governor of the state for military aid.

Conduct of officers.

SEC. 4. The mayor shall diligently observe the official conduct of all officers and employés of the city and note the man-

ner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employes of the city shall, at all times, be open to his inspection and examination and he shall use special care to see that such books, records and documents are kept in proper and legal form. He shall have general supervision of all departments, public institutions and offices of the city and shall see that they are lawfully, economically and honestly administered and conducted. He may, at any time he deems necessary or expedient, appoint a proper person, who is an expert in matters of book-keeping and accounts, to examine the books, records, condition and affairs of any or all of the departments, boards, or officers of the city, and make a report thereon; and the person so appointed shall have full power and authority to examine all books, records and documents of, or pertaining to the department, board or office which he has been authorized to investigate.

SEC. 5. When any defalcation, willful neglect of duty or other official misconduct by, or on the part of any officer or employe of the city (except a councilman) shall come to the knowledge of the mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the council at its next meeting. Power to suspend.

SEC. 6. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall cause legal proceedings to be instituted and prosecuted, in the name of Salinas City, against all persons failing, in whole or in part, to fulfill their agreements with said city. Contracts.

SEC. 7. The mayor shall, on the first Monday of each month, together with the city clerk and city attorney, count the money in the city treasury, ascertain whether it corresponds with the books of the city treasurer, and report the result to the council at its next meeting. Count money.

SEC. 8. The mayor shall appoint all officers of this city whose election or appointment are not, in this charter or by law, otherwise provided for; and when a vacancy occurs in any city office and no provision has been made herein for filling the same, the mayor shall appoint some qualified person who shall hold such office during the remainder of the unexpired term. Appoint officers.

SEC. 9. The mayor shall, at the end of each year of his official term and at such other times and as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial. Statement.

SEC. 10. The mayor shall have the power to administer Oaths.

oaths, and affirmations and take affidavits and depositions in all matters relating to the business of the city.

Convey-  
ances.

SEC. 11. The mayor shall sign all conveyances made by Salinas City and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgment.

Absence.

SEC. 12. When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office, the president pro tem. of the council shall act as mayor during such temporary absence or disability. When a vacancy occurs in the office of mayor, the council shall appoint some duly qualified person to fill such vacancy, who shall hold office during the remainder of the unexpired term.

*The City Clerk and Assessor.*

City clerk.

SEC. 13. There shall be a city clerk who shall be, ex-officio city assessor of Salinas City. He shall be elected at each regular municipal election and hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas for not less than five years immediately preceding his election.

Vacancy.

SEC. 14. Any vacancy in the office of the city clerk and assessor shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term.

Duties, as  
clerk.

SEC. 15. As city clerk:

1. He shall attend all meetings of the council and keep a journal of its proceedings and shall authenticate, by his signature and the corporate seal of the city, all ordinances and other official acts of said council.

2. He shall be the custodian of, and responsible for the corporate seal of the city and all books, papers, documents, records and archives thereof, not especially confided by law to other custody.

3. He shall have the power and authority to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of Salinas City.

4. He shall, in separate books to be kept for that purpose, record all ordinances of Salinas City, all contracts to which Salinas City or any officer thereof, in his official capacity, is a party, and all official bonds or other bonds given to, or for the benefit of said city, or in which it is interested.

5. He shall keep a complete set of books in which shall be set forth, in a plain and business-like manner, all financial transactions of Salinas City, so as to show the sources from which all of its income and revenue is derived; by whom all money is paid into its treasury; for what purpose, and in what manner all expenditures are made; the total amount of money in the city treasury at all times and the condition of each of its funds.

6. He shall file all claims and demands against the city which are required to be presented to the council and keep a record of the same, showing the name of each claimant, the date, amount and nature of the claim and the action of the council regarding it. City clerk,  
duties of.

7. He shall draw and countersign all warrants upon the city treasury for the amount of all allowed and approved claims and for the salary of city officers and employes.

8. He shall make out, sign and deliver to the city collector all licenses issued by Salinas City, keeping a strict and accurate account of the same.

9. He must examine and settle the accounts of all officers and persons indebted to Salinas City or holding money payable into the city treasury, and must certify to the city treasurer the amount to be paid, the name of the officer or person by whom such payment is to be made and the fund to which the same is applicable; and upon the presentation and filing of the treasurer's receipt therefor, give such officer or person a discharge and charge the treasurer with the amount so received.

10. He shall, together with the mayor and city attorney, on the first Monday of each month, count all the money in the city treasury.

11. He shall keep all books and public records in his custody properly indexed and open to inspection by the general public at all times when not actually in use.

12. He shall report in writing to the council, quarterly, a full and detailed statement of all receipts and disbursements of the city during the past quarter and the state of each of the funds in the city treasury.

13. He shall make and deliver to the council, at its regular meeting in July of each year, a complete detailed report and statement of the finances of Salinas City for the last fiscal year; showing the source and amount of all revenue received, the funds among which the same was distributed, the total amount of warrants drawn on and paid from each fund, and any unpaid warrants outstanding; the date, amount, nature and purpose of all other disbursements; the condition of the city treasury, and each of its funds at the end of said year, and generally the financial condition of the city.

14. He shall also make and deliver to the council, with the aforesaid annual report, a careful estimate of the revenue which the city will receive, during the ensuing fiscal year, from all sources other than taxation; an itemized estimate of the necessary expenditures during such year; the amount required to be raised by taxation for each fund of the city treasury and the rates of taxation necessary to raise such amounts.

15. He shall make and keep posted in his office a list of all persons receiving salary or wages from the city, with the amount of such salary or wages received, monthly, by each; which list shall be revised as often as necessary to keep the same absolutely correct.

SEC. 16. As city assessor:

1. He shall prepare and, on or before the first Monday in

Duties as  
assessor.

July of each year, present to the council, a list of all real and personal property, taxable for municipal purposes, which was in Salinas City on the first day of the preceding March, with the true valuation of such property. He shall certify to the correctness of such list, which shall be known as the assessment roll of Salinas City.

2. He shall be present at all meetings of the city board of equalization; act as clerk of said board and keep a journal of its proceedings; furnish to said board all such information respecting the assessment roll and all matters relating thereto as it may request and enter upon the roll all changes and corrections made by the board.

3. After the tax rate has been fixed by the council, he shall compute and enter upon the assessment roll the amount of taxes due from each taxpayer; and on or before the first Monday of October of each year, he shall deliver such assessment roll, so completed, to the city collector.

Perform  
other  
duties.

SEC. 17. Said city clerk and assessor shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, by law, or by the ordinances of the city; and at the expiration of his official term he shall deliver to his successor in office all books, papers, records, maps, descriptions of property and other articles and things, belonging to the city and pertaining to his office.

#### *The City Treasurer and Collector.*

Treasurer.

SEC. 18. There shall be a city treasurer who shall be ex-officio, city collector of Salinas City. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas City for not less than five years immediately preceding his election.

Vacancy.

SEC. 19. Any vacancy in the office of city treasurer and collector shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term.

Duties of,  
as collector

SEC. 20. As city collector:

1. He shall collect and receive all taxes, general and special, levied by Salinas City, and all city licenses and other money due and payable to said city, except where the collection of such licenses or other moneys is, by the provisions of this charter or by ordinance, otherwise provided for.

2. He shall give a receipt, in writing, for all moneys received by him, to the person paying the same.

3. He shall, at all times, keep accurate books of account of the moneys received by him; showing in detail all sums of money paid to him, the name of the person paying the same, the date and purpose of such payment and the time at which all money received by him is paid into the city treasury.

4. He shall at each regular meeting of the council, present

a report of all money collected or received by him during the preceding calendar month.

SEC. 21. As city treasurer:

Duties of,  
as treas-  
urer.

1. He shall receive all money belonging to Salinas City and all other money directed by law to be paid to him; safely keep the same, and apply and pay out such money only in the manner prescribed in this charter or by law.

2. All money belonging to the city paid to him must be accompanied by a certificate of the city clerk authorizing him to receive it, and without such certificate he shall not accept such money. He shall file and preserve all such certificates, and shall give all persons paying money into the city treasury, a receipt for the same, to be filed with the city clerk.

3. He shall pay out no money, other than the principal and interest of the city's bonded indebtedness, except upon warrants properly drawn and countersigned, as required by the provisions of this charter.

4. He shall keep accurate books of accounts of all receipts and disbursements of public money, in which must be entered each sum of money paid to him, the date, the name of the person paying the same, the purpose of the payment and the fund to which it is apportioned; also, the amount of each disbursement, the date, the name of the person receiving the same and the purpose for which it is expended. Such books shall be so kept that the amounts received and paid out on account of each separate fund shall be exhibited in a distinct manner, and the entire receipts and disbursements of the treasury shall be shown in one general cash account.

5. He shall, at the end of each fiscal year, make and deliver to the council, a detailed report and itemized statement of all receipts and disbursements of the city treasury and of each of its funds during such year, and of the amount in each of said funds at the end thereof.

SEC. 22. The city treasurer and collector shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, or by law, or by the ordinances of the city; and at the expiration of his official term, he shall deliver to his successor in office all money, books, records, accounts, papers and other property, belonging or pertaining to the city and in his possession, custody or control.

*The City Engineer and Street Superintendent.*

SEC. 23. There shall be a city engineer who shall be, ex-  
Engineer.  
officio, street superintendent of Salinas City. He shall be appointed by the council at its first regular meeting after each regular municipal election and shall hold office for a term of two years and until his successor is appointed and qualified. He must be a civil engineer and surveyor, who has had at least two years' practical experience as such, a citizen of the State of California and a resident of Salinas City at the time of his appointment. Any vacancy occurring in the office shall be filled by appointment, by the council, and the person so



appointed shall serve during the remainder of the unexpired term.

Duties of,  
as engineer

SEC. 24. As city engineer:

1. He shall possess the same power, in Salinas City, in making surveys, maps, plats and certificates as now is or at any time hereafter shall be given, by law, to county surveyors; and all his official acts and all surveys, maps, plats and certificates made by him shall have the same validity and be of the same force and effect as those of county surveyors.

2. He shall attend all meetings of the council and advise it respecting all engineering and similar matters.

3. He shall make all inspections, surveys and estimates required by the council, and, when requested by it, shall examine and report upon any proposed improvement, repair or alteration in any public work, building, or structure of the city.

4. He shall make all surveys, maps, plats, etc., required by the city.

5. He shall perform all such civil engineering and surveying as is necessary in the prosecution of all public work; superintend the execution of such works and certify as to the progress or completion thereof.

6. He shall have charge of the system of street monuments and bench marks; cause them to be promptly replaced when disturbed and extend the system as rapidly as practical to all streets within the city.

7. He shall, upon the application of any person owning or interested in any real property within the city, and the payment of such fees as the council shall prescribe therefor, make a survey, and deliver to such person a plat of such real property.

8. He shall be the custodian of all maps, plats, profiles, field notes and memoranda belonging to the city and pertaining to his office; all of which he shall keep properly indexed and systematically arranged for inspection and use.

9. All maps, plats, profiles, estimates, field notes and other memoranda made by him or under his direction, in pursuance of the duties of his office, shall be and remain the property of Salinas City and must be delivered by him to his successor in office.

As street  
superin-  
tendent.

SEC. 25. As street superintendent:

1. He shall have general care and superintendence of all streets, alleys, roads, highways, public squares and places in Salinas City; shall frequently inspect the same; remove all unlawful obstructions therefrom and cause the same to be kept in repair and suitable condition for use.

2. He shall receive and investigate all complaints respecting the conditions of streets and highways within the city; and shall, from time to time, report the condition thereof to the council, and recommend such repairs and permanent improvements thereon as he may deem necessary, or desirable.

3. He shall enforce all laws and ordinances, and the orders and regulations of the council concerning the use, occupation and obstruction of streets and public places and shall have authority to arrest any person violating the same.

4. He shall cause all ordinances and regulations of the council concerning the numbering of houses to be enforced and observed.

Engineer,  
duties as  
street  
super-  
intendent.

5. He shall superintend all street work and improvement, public or private, whether done by contract or otherwise; shall inspect all material used therein and shall reject all material found to be defective, improper or unsuitable. In case such work is being done by contract, he shall see that the terms of such contract are carefully observed by the contractor, notify the council of any deviation therefrom and, pending an investigation by that body, may suspend such work.

6. He shall supervise the cleaning and sprinkling of streets and shall see that all contracts therefor are fully performed on the part of the contractor.

7. He shall have general charge and supervision of the city's sewerage systems, both sanitary and drainage; shall see that all main and lateral sewers are maintained and kept, at all times, in good repair and suitable condition for use; shall cause said sewers to be flushed and properly cleansed; shall enforce and cause to be strictly observed all ordinances, rules and regulations of the city concerning connections with and the use of the city's sewers, and may arrest any person violating the same; shall issue permits for all connections with sewers and supervise the making thereof; shall superintend all extensions of the sewerage systems and the constructions of all new sewers; shall make and keep an accurate map or plat of the said sewerage systems, showing the location and grade of all sewers, flushers, manholes, etc., and all connections with such sewers; and shall perform such other duties in and about said sewers as the council may, at any time, require.

SEC. 26. Said city engineer and street superintendent shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, or by law, or by the ordinances of the city; and at the expiration of his official term, he shall deliver to his successor in office all books, records, maps, plats, profiles, field notes, memoranda and other property pertaining to his office and belonging to the city.

Perform  
other  
duties.

#### *The City Attorney.*

SEC. 27. There shall be a city attorney of Salinas City, who shall be appointed by the council and shall hold office during its pleasure. He must be an attorney at law, duly admitted and licensed to practice in the Supreme Court of the State of California, who has been actively engaged in the practice of his profession for at least five years and who has been a resident of Salinas City for not less than three years immediately prior to his appointment.

Attorney.

SEC. 28. The city attorney shall prosecute, in behalf of the people, all persons charged with violating any of the provisions of this charter or any city ordinance, and he shall attend, on behalf of Salinas City, to all actions and legal proceedings to which said city or any officer thereof, in his official capacity, is

Duties.

Duties of  
city at-  
torney.

a party, or in which it is legally interested; *provided* that the council shall control all such litigation and may employ special counsel to assist the city attorney.

SEC. 29. He shall attend all meetings of the council and advise it in such matters as it may require. He shall be the legal advisor of all other boards and officers of the city's government and, when requested, shall give his opinion in writing, upon any legal matter, concerning the city's affairs, that may be submitted to him.

SEC. 30. He shall approve the form of all official or other bonds given to, or for the benefit of Salinas City and of all contracts to which said city or any officer thereof, in his official capacity, is a party, and shall endorse such approval, in writing thereon. He shall, when requested by the council or any committee or member thereof, draft any proposed ordinance or resolution.

SEC. 31. He shall, upon the written direction of the mayor, commence and prosecute to judgment, an action, in the name of Salinas City, against any person who has failed, in whole or in part to carry out any contract or agreement with the city, and against the sureties on the bond or undertaking of such person, if any was given.

SEC. 32. He shall, on the first Monday in each month, together with the mayor and city clerk, count all money in the city treasury; and he shall perform such other services as may be required of him by the provisions of this charter, or by the ordinances of the city.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

#### *The Police Court.*

Police  
court.

SECTION 1. The judicial power of Salinas City shall be vested in a police court which shall be termed the Police Court of Salinas City and shall be held by a police judge.

Police  
judge.

SEC. 2. Until the council shall cause the election of a police judge, as hereinafter provided, the mayor may appoint any justice of the peace of Monterey county, residing in Salinas City, police judge to hold said police court. Such appointment must be in writing and filed with the city clerk, and may be revoked at any time.

Election.

SEC. 3. The council may, at any time not less than ninety days prior to a regular municipal election, provide by ordinance for the election of a police judge and thereafter a police judge shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas City for not less than five years immediately prior to his election. Any vacancy shall be filled by appointment by the mayor, which appointment must be confirmed by the council and the person so appointed shall serve during the remainder of the unexpired term.

SEC. 4. In all cases to which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, and when by reason of sickness or other cause he is unable to act, the police judge may call in any justice of the peace of Monterey county to hold such police court and act in his place and stead.

When an interested party.

SEC. 5. Said police court shall have exclusive jurisdiction:

Jurisdiction.

1. Of all prosecutions for violations of city ordinances.
2. Of all actions for the recovery of any fine, penalty or forfeiture and enforcement of any obligation or liability, prescribed or created by the city ordinances and in which the sum sued for is less than three hundred dollars.
3. Of all actions for the collection of any tax or assessment levied for any purpose, where the amount of the tax or assessment sought to be collected from the person assessed is less than three hundred dollars; *provided* that no liens upon the property assessed for, or on account of such assessment or tax shall be foreclosed in such action.

SEC. 6. Said police court shall have jurisdiction of the following offenses committed within the corporate limits of Salinas City:

Offenses.

1. Petit larceny.
2. Assault or battery, not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the same a felony.
3. Breaches of peace, routs, riots, affrays, committing willful injury to property and all misdemeanors punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.
4. Proceedings respecting vagrants and lewd or disorderly persons.

SEC. 7. Said police court shall have concurrent and co-ordinate jurisdiction with justice's courts in all actions and proceedings, civil and criminal, arising within the corporate limits of Salinas City and which might have been tried in a justice's court.

Justice's courts.

SEC. 8. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations and take and certify acknowledgments. He may punish persons guilty of contempt of court and may issue warrants of arrests, subpoenas, venires, commitments, executions and all other necessary and proper writs and process, in the same manner as justices of the peace, and within the city, shall have the same power, authority and jurisdiction as such justices.

Powers of magistrate.

SEC. 9. In all proceedings in said police court, the rules of pleading, practice and procedure shall be the same as now are or may hereafter be prescribed for justice's court.

Rules of practice.

SEC. 10. Appeals may be taken to the Superior Court of the county of Monterey, State of California, from the judgments and orders of the police court of Salinas City in all cases in which appeals now are, or may hereafter be authorized by law from justice's courts or police courts.

Appeals.

SEC. 11. Said police court shall be open at all times for the transaction of business.

Courtroom SEC. 12. The council shall provide court room with furniture blanks, docket and stationery for the police court; and the chief of police shall provide a bailiff for said court and cause its writs and process to be promptly executed.

## ARTICLE V.

### SCHOOL DEPARTMENT.

Schools. SECTION 1. The school department of Salinas City shall consist of all public schools within the corporate limits of said city, including primary, grammar and high schools and all other schools supported by public revenue.

#### *The Board of Education.*

Board of education. SEC. 2. The government of the school department of Salinas City shall be vested in a board of education consisting of five members, who shall be termed school trustees. At each regular municipal election one school trustee shall be elected from each ward, by the qualified electors thereof, and one shall be elected from the city at large, and they shall hold office for a term of two years. The school trustee elected from the city at large shall be the president of the board of education. Every trustee must be a citizen of the State of California, not less than twenty-five years of age and the head of a family and must have resided in Salinas City for at least five years immediately preceding his election. The trustees elected from the respective wards must, also, be residents of the wards from which they are chosen.

Vacancy. SEC. 3. Any vacancy in the office of school trustee shall be filled by appointment by the board of education. The person so appointed must possess all the qualifications herein prescribed for school trustees and shall hold office during the remainder of the unexpired term.

Meetings. SEC. 4. The board of education shall meet on the first Monday in July after each regular municipal election and organize; and it shall thereafter hold regular meetings not less than once each month, at such time and at such place, within the city, as it may, by resolution, determine. Special meetings of the board may be called at any time by the president or by any two members thereof, by a notice in writing, specifying the time and place of holding such special meeting and the purpose for which it is called, and no business shall be transacted at such meeting other than that specified in the call. A copy of such notice must be personally served upon every member of the board then in the city not less than twelve hours prior to the time fixed for the meeting; *provided* that a special meeting of the board may be had at any time, without notice, if all the members are present and consent, in writing, thereto.

Public sessions. SEC. 5. All sessions of the board shall be public. A majority of its members shall constitute a quorum for the transaction of

business and the affirmative votes of three members shall be necessary to pass or adopt any order or measure or elect any teacher.

SEC. 6. The board of education may make and adopt rules Rules. for its proceedings and enforce the same. It shall cause a record of its proceedings to be kept by its secretary, under its directions, which record shall be open to public inspection and, when demanded by any member of the board, the vote upon any matter shall be taken by "ayes" and "noes" and entered in such record.

*Powers of the Board of Education.*

SEC. 7. In addition to the powers conferred and the duties Powers of board of education. prescribed by the laws of this state, the board of education shall have power:

1. To establish and maintain public schools, as herein provided, and to change, modify, consolidate, or discontinue the same.

2. To employ and dismiss teachers, janitors, school census marshals and such other persons as may be necessary to carry on the work of the school department, and to fix, alter, allow and order paid their salaries or compensation and to withhold, for good and sufficient cause, the whole or any part of the compensation of any person or persons employed as aforesaid.

3. To manage and control all school property and property belonging to the school department, and to insure the same.

4. To make, establish and enforce all necessary and proper rules and regulations for the government of the public schools.

5. To prevent truance and compel the attendance at school of children between the ages of six and fourteen who may be found idle in public places during school hours.

6. To investigate all charges preferred against employes of the school department, take testimony therein and to prescribe rules for the conduct of such investigations.

7. To establish and regulate the grade of schools; to prescribe the course of study and mode of instruction to be pursued therein and to determine what text-books, in addition to those published by the state, shall be used in said schools; but any text-book adopted by the board shall not be changed for a period of six years after it is adopted.

8. To provide the school department with all necessary supplies, including registers, stationery, blanks, maps, chemicals, mechanical apparatus, light, fuel and all other articles and things necessary for carrying on the public schools and maintaining the department.

9. To build, alter, repair, rent and provide school houses; to furnish the same with proper school furniture and apparatus and to provide for cleaning and lighting the same.

10. To grade, fence and improve school lots.

11. To prohibit children under six years, of age from attending public schools, other than kindergarten schools.

12. To admit non-resident children to any school in the department, upon the payment of such tuition fees as it may fix therefor.

Powers of  
board of  
education.

13. To furnish text-books and other necessary books to children whose parents are unable to furnish them, and to provide for the preservation and return of such books after use.

14. To receive and manage any property or money acquired by bequest or donation, in trust for the benefit of any school, educational purposes, or school library and to carry into effect the terms of such bequest or donation, so far as not in conflict with law.

15. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

16. To exclude from schools and school libraries all books, publications and papers of a sectional, partisan or denominational character.

17. To provide and maintain school libraries and prescribe rules for the government thereof.

18. To examine and allow, in whole or in part, or reject all claims and demands payable out of the school fund.

19. To use and apply the city's school fund for, and to the purposes herein named, but no other.

20. To determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools and support of the school department of Salinas City during the next fiscal year, and report such estimate to the council prior to the first Monday in August of each year. Such estimate shall show, in detail, the amounts of money required, in addition to the state and county school moneys, to maintain the primary and grammar schools, the amount required for the high school and such other schools as may be maintained by the board, and the amount necessary to pay all fixed and incidental expenses of the department. The council, when fixing the annual tax rate, shall levy and assess, as a school tax for the support and maintenance of the school department, such amount as the board of education has reported necessary for that purpose, provided that such assessment shall not exceed twenty-five cents on each one hundred dollars valuation of property appearing on the city assessment roll for the current fiscal year.

21. To do and perform all other acts and things that may be necessary and proper in the exercise of the powers conferred upon said board, or to enable it to perform the duties imposed upon it by the provisions of this charter.

High  
school.

SEC. 8. The board of education shall prescribe a course of study in the Salinas High School that will fit and prepare students to enter any department of the State University.

Manual  
training.

SEC. 9. The board of education may provide and maintain schools for the training of pupils for industrial and domestic and commercial vocations and may furnish such schools with the necessary tools, implements, apparatus and appliances.

School year

SEC. 10. The school year shall consist of forty weeks.

Census  
marshal.

SEC. 11. On or before the first day of April of each year, the board of education shall appoint a school census marshal and fix his salary or compensation. The census marshal shall perform such services as are required of him by the laws

of the State of California and such additional services as the board may prescribe.

SEC. 12. All teachers employed in the public schools of the city shall possess the qualifications required of teachers by the board of education of Monterey county; must have had not less than two years' actual experience as a teacher in the public schools of this state, and shall possess such other qualifications as the board may, by rule, prescribe; *provided*, that persons employed to teach special subjects need possess only such qualifications as shall demonstrate their fitness for their special work. Teachers.

SEC. 13. The board of education shall not employ any person for a period of more than one year, and in the absence of a special contract in writing (which shall not be for a period exceeding one year) no election or appointment of a teacher, janitor or other employé shall constitute a contract, either as to any fixed duration of employment or rate of compensation, but the board shall, at all times have power to dismiss any teacher, janitor, or employé, or to alter the amount of their salary or compensation. Tenure of employment.

SEC. 14. All contracts for building school houses and all contracts for altering, repairing, painting and furnishing the same, when the expense thereof exceeds one hundred dollars, and all contracts for supplying fuel, stationery, school supplies, etc., shall be let to the lowest responsible bidder, after due public notice given by publication for at least ten days in a daily newspaper, published and circulated in Salinas City. The person to whom any such contract is awarded may be required to give security to the city for the faithful performance thereof, in such reasonable sum as the board of education may fix and with such sureties as said board may approve. The board shall at all times have the right to reject any and all bids for such contracts. Contracts.

SEC. 15. Each school trustee shall personally visit every school in the city at least twice during each school term, and examine carefully as to the condition, management and wants thereof; and failure to comply with the provisions of this section shall be ground for removal from office. Visit schools.

#### *City Superintendent of Schools.*

SEC. 16. The board of education shall, on the first Monday of July of each year, elect a city superintendent of schools who shall be, ex-officio, secretary of the said board and shall hold office for a term of one year. He must be a practical educator, possessing all of the qualifications herein prescribed for teachers and not less than twenty-five years of age at the time of his election. Any vacancy in the office shall be filled by the board of education and the person so elected shall hold office during the remainder of the unexpired term. City superintendent.

SEC. 17. The city superintendent of schools shall, subject to the board of education, have general charge of all school houses and school property belonging to the department, and shall see that the same are not injured, wasted or destroyed. To have general supervision.



He shall have general supervision and control of the public schools in the city, and the teachers employed therein; shall report to the board any misconduct, inattention, negligence, or lack of ability on the part of any teacher and may, when he deems that the interests of the department require, suspend any teacher from duty and report such suspension, together with the cause thereof, to the board at its next meeting. He shall cause all rules and regulations adopted by the board of education for the government of schools to be strictly enforced and observed and may suspend or expel any pupil for violation thereof, willful destruction of or injury to school property or misconduct, reporting such action to the board at its next meeting. Any pupil suspended or expelled may appeal to the board of education, which must, thereupon, without unnecessary delay, examine into the matter and may affirm, modify or reverse the order of the superintendent.

Grade  
classes.

The city superintendent shall grade the classes in the schools and classify the pupils as to the grade and classes they shall attend and, subject to the power of the board to change the same, shall assign teachers to such classes as he deems proper. He shall see that none but the authorized text-books are used; shall, from time to time, recommend to the board such alterations or changes in, or additions to the course of study, the grade of schools, list of authorized text-books and the rules and regulations of the department as he may deem beneficial. He shall, in June of each year, make to the board a full and detailed report of the progress of schools during the past year; their present condition; the number of teachers employed and pupils instructed in each department; the condition of the school houses, furniture, apparatus and school property and such other matters as may be required of him, and he shall perform such other duties concerning the school department, as may be required of him by the provisions of this charter, by the laws of the state, or by the rules or regulations of the board of education.

Detailed  
report.

Secretary  
of board of  
education.

SEC. 18. The city superintendent of schools, as secretary of the board of education, shall attend all meetings of said board and keep a record of its proceedings and he shall have power and authority to administer oaths and affirmations concerning any claim or demand payable out of the school funds and other matters relating to his official duties. He shall prepare and, on the first Mondays in January and July of each year file with the city clerk, an itemized statement showing the income and revenue of the school department for the six months last past, its disbursements and its financial condition at the end of said time.

#### *The School Fund.*

School  
fund.

SEC. 19. The school fund of Salinas City shall consist of all moneys received from the state and county school fund, all moneys arising from taxes which shall be levied for school purposes in the city, all money arising from the sale, rent or exchange of any school property and such other moneys as may,

from any other source, be paid or contributed to the city for school purposes. Said fund shall be kept separate and distinct from any other moneys of the city and shall be used for school purposes only, and in the manner provided in the charter. If at the end of any fiscal year, any surplus remains in the school fund, it must be carried forward to the next fiscal year and no part of said fund shall be transferred or diverted to any other fund or be used for any purpose not herein authorized.

SEC. 20. In case of disaster from riot, earthquake, fire, or the public enemy, or in case any of the buildings belonging to, or used by the department are in urgent need of repair, the board of education, with the approval of the council, may incur extraordinary expenditures in excess of the annual limit prescribed, and the council may cause to be transferred to the school fund, from any money in the city treasury not otherwise appropriated, a sum sufficient to defray such extraordinary expenditures. Extraordinary expenses.

SEC. 21. All claims and demands payable out of the school fund, shall be itemized and made out on blank forms adopted and furnished by the board of education for that purpose, verified by the oath of the claimant or some other person in his behalf, and filed with the secretary of the board, and until a claim is so made out, verified and filed, the board shall not consider or act upon it. At its regular monthly meeting, the board shall examine and allow, in whole or in part, or reject all such claims then on file with its secretary. The secretary shall keep a record of all such claims, showing the date, nature and amount of each, the name of the claimant and the action of the board of education concerning the same; and he shall draw and countersign a warrant or requisition for the amount of all allowed claims, which shall be signed by the president of the board and delivered to the claimant, his agent or assignee. The secretary of the board shall, also, on the first Monday of each month, without presentation of a claim therefor, draw and countersign a warrant or requisition for the salaries of all teachers, janitors and other permanent salaried employes of the school department, for the preceding calendar month, which shall be signed by the president of the board and delivered to the persons in whose favor they are drawn. Claims.  
Warrants.  
Salaries.

## ARTICLE VI.

### ELECTIONS.

SECTION 1. Elections held in Salinas City for municipal purposes shall be of two kinds, namely: regular municipal elections and special municipal elections.

SEC. 2. Regular municipal elections shall be held in this city biennially, on the first Monday in June, commencing on the first Monday in June, 1903. At the first regular municipal election held under the provisions of this charter, there shall be chosen all of the elective officers herein provided for; and Regular elections.

at each regular municipal election thereafter, there shall be chosen a mayor, city clerk and assessor, city treasurer and collector, one councilman from each ward, one school trustee from each ward and one school trustee from the city at large.

SEC. 3. All officers elected at a regular municipal election shall, unless herein otherwise provided, take their respective offices on the first Monday in July next succeeding their election, at twelve o'clock, noon, of that day.

Special elections.

SEC. 4. Special municipal elections shall be held at such times and for such lawful purposes as the council may determine.

General laws govern.

SEC. 5. The general laws of the State of California, concerning elections, shall, so far as applicable and not inconsistent with the provisions of this charter, apply to and govern all municipal elections in the city; and the council and city clerk, respectively, shall exercise the powers and perform the duties, concerning elections, conferred and imposed by those laws, upon boards of supervisors and county clerks.

Elections; notice of.

SEC. 6. The council shall, by ordinance, call all regular and special municipal elections and provide for giving notice thereof for at least thirty days prior thereto and for holding and conducting the same.

Precincts.

SEC. 7. The council may district and divide the city into municipal election precincts for municipal election purposes and may alter the same, and in so doing shall follow as closely as possible the lines of the precincts established in said city by the board of supervisors of Monterey county for general election purposes, but each ward shall constitute at least one precinct and no municipal election precinct shall embrace parts of two or more wards.

Election officers.

SEC. 8. The council shall appoint all election officers; provide and designate voting places in each municipal election precinct and cause to be procured and furnished at such voting places, at the time fixed for each municipal election, all necessary furniture, apparatus and stationery.

Electors; qualifications of.

SEC. 9. Every person who resides within the corporate limits of Salinas City at the time of holding any municipal election, who was a qualified elector at the general state election immediately preceding such municipal election and who at the time of holding such general state election was upon the great register of Monterey county as a qualified elector of any one of the precincts which compose the municipal election precinct in which he resides at the time of such municipal election, shall be entitled to vote at such municipal election without other or additional registration.

Any other person residing within the city at the time of holding a municipal election, who has been registered upon the great register of Monterey county as an elector of and within one of the precincts comprising the municipal precinct wherein he resides, at least twenty-five days prior to such election, and who resides within the exterior boundaries of such municipal election precinct at the time of such election, shall also be entitled to vote at such municipal election.

SEC. 10. The register of municipal elections to be used at each municipal election precinct, shall consist of a copy of the great register of Monterey county used at the last preceding state election, for the precincts which compose each municipal election precinct, together with the additional names of those persons who, by registration since such election, are entitled to vote at the municipal election and within such municipal election precinct. Register.

SEC. 11. The council shall, prior to each municipal election held in this city, procure from the county clerk of Monterey county, or cause to be prepared, certified and indexed, a municipal election register for each municipal election precinct in the city, and furnish the same with a sufficient number of indexes thereof, to the board of election officers of such precinct. Same.

SEC. 12. The election returns from each municipal election precinct shall, as soon as completed and sealed, be filed with the city clerk, who shall keep the same in some secure place and permit no person to handle, inspect, examine or in any manner interfere therewith, until canvassed by the council. After being canvassed, they shall be sealed and kept by the city clerk for a period of one year and shall be opened only upon the order of a court of competent jurisdiction. If at the end of that period, no contest or other legal proceeding concerning said election has been commenced or is pending, the clerk shall burn said returns and all ballots and other records delivered to him therewith, without opening or in any manner examining the same. Returns.  
Kept for  
one year.

SEC. 13. The council shall meet within five days after each regular or special municipal election held in this city, and canvass the returns and declare the result thereof. Canvass.

SEC. 14. The city clerk shall, forthwith, issue to every person who has been appointed, or who has been declared elected to any city office and who has filed the statement of moneys furnished and used in aid of his election, as required by the general laws of the state, a certificate of such appointment or election, under his hand and the corporate seal of the city, which certificate he shall deliver to such person. Certificate  
of election.

## ARTICLE VII.

### POLICE DEPARTMENT.

SECTION 1. The police department of Salinas City shall consist of a permanent force of such number of policemen, not less than three, as the council shall, from time to time, determine. The government and control of the police department shall be vested in the council. Police de-  
partment.

SEC. 2. All policemen shall be appointed by the council and shall hold office until removed in the manner herein provided. Every policeman must be a citizen of the State of California and a resident of Salinas City for at least one year immediately prior to his appointment. He must also be a man of good reputation for honesty, morality and sobriety; not less Policemen;  
qualifica-  
tions of.

than twenty-five nor more than fifty years of age; able to read and write the English language without difficulty and must successfully undergo such physical examination as the council may, by rule, prescribe. No person shall be appointed a policeman who has ever been convicted of a felony or of any offense involving moral turpitude or actual dishonesty, or who is deficient in health, strength or courage. In making such appointments, the council shall be guided by the fitness of the applicant for the position and no person shall be appointed to, or removed from the police force on account of his political opinions.

Salaries,  
badges, etc.

SEC. 3. The council shall fix the salary or rate of compensation of all officers and members of the department and provide for the payment thereof; prescribe their badges of office and uniforms, make and adopt such rules and regulations for the government of the police force as it may deem necessary or proper and prescribe penalties for the violation thereof; hear and determine all complaints and charges of misconduct, inefficiency, violation of the rules of the department, or other offenses made against any officer or policeman and, if found guilty, punish the offenders by a fine, suspension or dismissal, as it deems proper.

Duties.

SEC. 4. Members of the police force shall promptly obey all lawful orders of their superiors and the rules and regulations of the department; enforce the laws of the state and the ordinances of the city; suppress all riots, affrays and disturbances of the peace; abate nuisances; be diligent in the detection of crime and the arrest and conviction of public offenders and perform such other duties as may be required of them by the council or by law.

Chief of  
police.

SEC. 5. The council shall, from the members of the police force appoint a chief of police, who shall hold office during its pleasure.

Duties and  
powers.

SEC. 6. Subject to the general supervision of the mayor, the chief of police shall have command and control of the police force. He shall cause the rules and regulations of the department to be enforced and obeyed and may suspend any policeman for the violation of such rules, disobedience of orders, neglect of duty, drunkenness, or misconduct, reporting such suspension, with the cause thereof, to the mayor at once and to the council at its next meeting. He shall cause the laws and the city ordinances to be enforced within said city and see that all lawful orders and process of the council and the city police court are promptly executed. For the purpose of suppressing riots, public tumults and disturbances, or organized resistance of the law or of public officers in the performance of their duties, he shall, within Salinas City, have all of the powers which are now or may hereafter be conferred upon sheriffs and his lawful orders shall be promptly obeyed by all policemen. He shall have charge and control of the city prison and all persons detained therein and shall perform such other duties as may be required of him by law, the provisions of this charter, the ordinances of the city and the rules and orders of the council.

SEC. 7. The council may create and appoint such subordinate officers of the police department as it may deem necessary or desirable, prescribe their duties and fix their compensation. Subordinate officers.

SEC. 8. No officer or member of the police department shall take any part whatever in any political caucus or convention, or be a member of any political club or committee, or take part in any primary or regular election, except to vote thereat; and disobedience of the provisions of this section shall be punished by dismissal from the department. Political clubs.

SEC. 9. The chief of police and all members of the department shall devote their entire time to the discharge of their official duties and shall not absent themselves from the city, except in pursuit of persons accused of crime, without first obtaining leave of absence from the council. Entire time to duties of office.

SEC. 10. Any policeman shall have authority to execute all orders and process of the city police court, both civil and criminal. Process of city police court.

SEC. 11. Whenever the council shall deem it necessary, a patrol system may be provided for the use of the police department. Patrol system.

SEC. 12. No regular member of the police department shall be dismissed or discharged therefrom, except for cause after a trial before the council. Every member shall have notice of any charge or complaint preferred against him and of the time and place fixed for hearing the same and may appear and defend, either in person or by attorney. The council shall prescribe rules for the conduct of such trials and investigations. Dismissals, for cause only.

SEC. 13. In addition to the regular police force, the mayor may, when in his judgment circumstances require, appoint such number of special policemen as he may deem necessary for the safety of the city and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two weeks, unless the council shall authorize a longer employment. They shall perform the same duties as regular policemen and shall receive such compensation as the council shall prescribe. Special policemen.

The council may, upon the petition of any person, firm or corporation, residing or having property interests in Salinas City, appoint one or more special policemen for special service. The locality where each of such last mentioned special policemen is to act shall be set forth in his certificate of appointment, and they must be paid by the person, firm or corporation requiring their services. Special police service.

All special policemen shall have the same powers and perform the same duties as the regular police officers, and shall be under the direction and control of the chief of police and subject to the rules and regulations of the police department.

## ARTICLE VIII.

### FIRE DEPARTMENT.

SECTION 1. The fire department of Salinas City shall consist of a chief engineer and such other officers as the council may, by ordinance, create; such volunteer or paid fire companies as officers.

may be admitted thereto by the council; the city's fire alarm telegraph system; all fire engines and apparatus for preventing or extinguishing fires belonging to the city and all persons employed in or about the preservation or use thereof.

Organiza-  
tion and  
mainte-  
nance.

SEC. 2. The council shall, by ordinance, provide for the organization, maintenance and government of the fire department; the organization and admission thereto of such volunteer or paid fire companies as it may deem proper, and for the election or appointment of the chief engineer and such other officers as it may create and such employés as it may deem necessary. The council shall also cause the fire department to be supplied with all necessary apparatus and appliances for the prevention and extinguishment of fires, and provide for the proper care and preservation thereof.

Govern-  
ment.

SEC. 3. The council may, by ordinance, authorize the fire companies belonging to the department, or the officers of the department, or such thereof as it may designate, to adopt such rules and regulations for the government of said companies and the department as are not inconsistent with the provisions of this charter or the ordinances of the city, and may provide for enforcing such rules and regulations.

Executive  
officer.

SEC. 4. The chief engineer shall be the executive officer of the fire department and ex-officio fire marshal of the city. He shall possess such qualifications, shall be chosen in such manner, and shall serve during such term as the council may provide. He shall have general supervision and control of all subordinate officers, the members and employés of the department and the apparatus and appliances belonging thereto; shall cause the laws, orders, rules and regulations thereof and the ordinances concerning the department to be observed and carried into effect and shall perform such other duties as the council may prescribe. He shall also act as fire warden of the city and see that all ordinances relating to the fire limits, the construction of buildings and the storing of combustible material and explosives within the city limits are enforced and observed; and in the performance of his official duties he shall have the same power and authority to make arrests as that vested in police officers.

## ARTICLE IX.

### DEPARTMENT OF PUBLIC HEALTH.

#### *The Board of Health.*

Board of  
health.

SECTION 1. The department of public health of Salinas City shall be under the management and control of the board of health. Said board shall consist of three members, appointed by the mayor and confirmed by the council, each of whom shall be at least thirty years of age and a resident of Salinas City for not less than two years immediately preceding his appointment. Two of the members of said board must be physicians, duly licensed according to the laws of the State of California, who have been actively engaged in the practice of

their profession for not less than five years prior to their appointment.

SEC. 2. The first mayor elected under the provisions of this charter shall, within thirty days after taking office, appoint the members of the board of health. Those first appointed shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years; and after said board is first appointed, the mayor shall in the month of July of each year appoint one member thereof to serve for a term of three years and until his successor is appointed, confirmed and qualified. Any vacancy in the board shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall serve during the remainder of the unexpired term.

Appoint-  
ment of  
members.

SEC. 3. Immediately after the appointment and qualification of its members, the board of health shall organize by electing from its own number a president and secretary, who shall hold their respective offices during the pleasure of the board. Said board shall hold regular meetings at least once in each month, at such times and place as it shall, by resolution, determine, and it may hold special meetings at any time, upon the call of the president or any two members of the board. All meetings of the board must be public and two members shall constitute a quorum for the transaction of business.

Organiza-  
tion.

Meetings.

SEC. 4. The board of health, subject to the ordinances of Salinas City, shall have supervision of all matters pertaining to the sanitary condition of the city and the public buildings and institutions thereof; and full powers are hereby granted to said board to remedy all cases of foul or defective drainage, to cause the sanitary cleaning and disinfecting of streets, alleys, cellars, cesspools, sewers and low places within the city and to abate all nuisances within said city likely to produce disease or to injuriously affect the health of the inhabitants thereof.

Super-  
vision and  
powers.

SEC. 5. The board of health shall be the custodian of all birth, death, cemetery and other similar records, now belonging to Salinas City or which may hereafter be kept by the authority of this charter or any ordinance of the city; and said board shall adopt and cause to be published such forms for the use of physicians, midwives, undertakers and superintendents of cemeteries, and enact such rules and regulations for the use thereof, as it may deem best calculated to secure reliable vital and mortality statistics and to carry into effect such ordinances as the council may pass for that purpose.

Vital and  
mortality  
matters.

SEC. 6. The board of health shall have power and authority to provide for the inspection of milk, meat, vegetables, fruit and other articles of food sold or offered for sale in the city and to carry into effect all ordinances and regulations of said city intended to prevent the sale of unwholesome food therein and said board may cause any of the aforesaid articles, when found infected with disease, in an impure, diseased or unwhole-

Food  
inspection.



some condition, or for any other reason, unfit for human consumption, to be seized and destroyed.

Hospitals  
and pest  
houses.

SEC. 7. The board of health shall have general charge, supervision and control of all hospitals and pest houses which may be established or maintained by the city; shall appoint and discharge all physicians, nurses and other employees in and about such institutions and prescribe their powers and duties; and may adopt and enforce such rules and regulations as it may deem necessary and proper for the government thereof.

Contagious  
diseases.

SEC. 8. Whenever a case of leprosy, Asiatic cholera, bubonic plague, yellow fever, smallpox, diphtheria or any other highly contagious or infectious disease is found in Salinas City, the board of health may cause the person afflicted to be removed to a hospital or pest house, or it may quarantine the premises where he is situated, exhibit a yellow flag or a notice at a conspicuous place thereon, and cause the quarantine to be strictly enforced so long as the public safety requires, by placing guards about said premises or otherwise.

Quaran-  
tine.

SEC. 9. The board of health may proclaim such quarantine, and establish and declare such quarantine districts and the boundaries thereof as may, in its judgment, be necessary for the preservation of the public health; and it may, when deemed necessary, require all railroad cars and other public conveyances, before the same stop or discharge passengers at any depot or other stopping place in the city, to stop at a district selected for quarantine purposes and leave such persons with their stores and baggage as in the opinion of the board or of physicians acting under its directions, may be deemed necessary.

Same.

SEC. 10. The board of health may make such rules and regulations for the government and proper management of quarantine, as it may deem necessary.

Disinfection.

SEC. 11. The board of health may require the owner of any building, house, room or premises, where any person afflicted with leprosy, Asiatic cholera, bubonic plague, yellow fever, smallpox, diphtheria, consumption, or any other contagious or infectious disease has been confined, or where any person has died from any such disease, to be disinfected before the same is again used, or to cause the same to be disinfected and recover the cost thereof from the owner of such premises.

Same.

SEC. 12. The board of health may condemn and cause to be disinfected or destroyed any beds, bedding, clothing, or other articles of personal property which have been exposed to infection with any infectious or contagious disease.

Same.

SEC. 13. The board of health shall prescribe rules and regulations for the fumigation and disinfection of buildings, premises, bedding, clothing and other articles which have been infected or exposed to infection with any contagious or infectious disease; and all disinfections required by any ordinance or regulation of Salinas City shall be conducted in conformity with such rules and to the satisfaction of the board.

Public  
buildings.

SEC. 14. The board of health shall at least once in each year and oftener if required by the council, visit all school houses and

public buildings in the city and examine the manner in which they are lighted, ventilated and heated and especially into their sanitary condition and report the condition thereof to the council.

SEC. 15. Whenever the board of health shall determine that any building or part thereof is unfit for human habitation, by reason of its being infected with disease or from any other cause, so that it is likely to cause sickness among its occupants it may cause said building to be vacated and remain vacant until placed in a proper sanitary condition.

Infected houses.

SEC. 16. The council shall, by ordinance or otherwise, provide for carrying into effect the powers herein granted to the board of health and enforcing such orders and regulations as it may, from time to time, adopt; and all expenses necessarily incurred by the board in the performance of its duties shall be a charge against the city and, after being certified by the board, shall be audited and allowed by the council.

Duty of city council.

SEC. 17. In the absence of a health officer, the chief of police shall be the executive officer of the board of health and he shall at all times, upon the demand of the board, detail a sufficient number of regular or special police officers to maintain all quarantines proclaimed by it and enforce its lawful orders.

Absence of health officer, chief of police to act.

SEC. 18. The council may at any time, by ordinance, authorize the appointment of a health officer of Salinas City, but when such office is so created it shall not be abolished. The health officer shall be appointed by the board of health and shall hold office during its pleasure. He shall be a citizen of the State of California and must have resided in the city for at least one year immediately before his appointment. He shall attend all meetings of the board of health and shall be the executive officer of said board. He shall see that all quarantines declared by it are strictly enforced and that its lawful orders are observed and obeyed; superintend all cleansings and disinfections required by it; act as food inspector; issue all permits for burial in and removal from all cemeteries in, or belonging to the city and perform such other duties as may be required of him by law, the ordinances of the city and the orders and regulations of the board of health. He shall have the same powers of a police officer to arrest persons for violations of the city's sanitary ordinances. With the consent of the council, the health officer may appoint as many deputies as he may require to assist him in properly discharging his official duties.

Appointment of health officer.

SEC. 19. All members of the board of health, the health officer and any employee of said board when authorized by it, shall have the right at all reasonable hours, to enter upon any private premises or into any private house or building for the purpose of examining into the sanitary condition thereof, or to ascertain whether any nuisance or condition detrimental to the public health exists thereon or therein.

Right to enter premises.

## ARTICLE X.

## TAXATION AND REVENUE.

**Taxation.** SECTION 1. The council shall annually levy and collect a tax upon all real and personal property, situated within Salinas City, made taxable by law for state and county purposes.

**Assessment roll.** SEC. 2. On or before the first Monday in July of each year, the city assessor shall make and complete his list of taxable property or assessment roll for the city and shall attach his certificate thereto and deliver the same to the council. Upon receiving such assessment roll, the council shall fix the times and place for meetings of the board of equalization and the city clerk shall give notice thereof by publication, for at least ten days prior thereto, in a daily newspaper, published and circulated in Salinas City.

**Board of equalization.** SEC. 3. The council shall constitute the board of equalization to equalize said assessment roll. It shall meet on at least three different days, at such times and place as the council may fix, and it may adjourn from day to day thereafter until the business brought before it is completed; not later, however, than the last day of said month of July. Its sessions shall be public. Said board of equalization shall have power to increase or diminish the amount of any assessment on said list and, as regards the equalization of said roll, it shall have the same powers as those conferred by law upon boards of supervisors when sitting as a board of equalization to equalize assessments for state and county taxes. When such assessment roll has been equalized, it shall be returned to the city assessor.

**Taxes; when levied.** SEC. 4. The council shall, in the month of August of each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all taxable property, real and personal, within the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government during the current fiscal year; *provided that*, except as in this charter otherwise provided, the rate of taxes so levied shall not exceed in any one year, one dollar upon each one hundred dollars in valuation of property assessed, exclusive of the amount required to pay the principal and interest of the city's bonded indebtedness.

**Tax limit.** SEC. 5. The council shall establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund; and the annual tax levy shall name the percentage of said levy for each of said funds and the whole amount of the taxes and revenue of the city shall be apportioned accordingly. No transfer of money shall be made from one fund to another, except of balances in excess of the amount required in a fund, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds, unless otherwise in this charter provided.

**Separate funds.** SEC. 6. As soon as the council has fixed the rate, the city assessor must compute and enter in a separate column on the

**Duties of assessor.**

assessment roll, the respective sums, in dollars and cents (rejecting fractions of a cent) to be paid on the property therein listed, and foot up the columns showing the total amount of taxes levied, and, on or before the first Monday in October, deliver the roll, so completed, to the city collector.

Sec. 7. The council shall have power and it is hereby made its duty to provide, by ordinance, the mode of making out assessment rolls, ascertaining the value of property and equalizing the same and levying and collecting city taxes. All sales of property for delinquent city taxes, authorized by the provisions of such ordinances, and all conveyances executed in pursuance thereof, shall have the same force, effect and validity as sales and conveyances made and executed for delinquent taxes levied for state and county purposes. All taxes so levied shall be a lien upon the property assessed, and all taxes levied upon personal property shall be a lien upon the real property of the owner thereof, and such lien shall attach on the first Monday in March in each year, at twelve o'clock, noon of that day.

Form of  
assess-  
ment roll.

Sec. 8. All public money collected or received by any officer or employee of the city shall be paid into the city treasury without any deduction on account of any claim for fees, commissions, or any other cause or pretense.

Public  
money.

Sec. 9. Every officer and regularly salaried employee of Salinas City and every other person authorized to collect or receive money for, or on account of said city shall, on the first Monday in each month, make and file with the city clerk a statement, duly verified, of all money belonging to said Salinas City collected or received by him during the calendar month last past and upon receiving the necessary certificate from the clerk, he shall pay the same into the city treasury. If no such money is received during any month, the statement shall show that fact.

Statement  
of receipts.

Sec. 10. The territory embraced within the corporate limits of Salinas City shall constitute a separate road district of Monterey County, which shall be known as and termed the Salinas City Road District.

Road dis-  
trict.

All taxes levied and collected in said road district for road purposes pursuant to the provisions of this charter, or pursuant to the provisions of any law of the state, now in force or hereafter to be enacted, shall constitute the road fund of said Salinas City Road District and shall be laid out and expended for the construction and improvement of roads, streets and highways within said district, under the direction and supervision of the council of Salinas City.

Road fund.

The officers of Monterey County charged by law with the assessment of property and the levy and collection of taxes shall make and keep a separate list or assessment roll of the taxable property situated within the Salinas City Road District, and shall, annually, at the time and in the manner that other property taxes for highway purposes are levied and collected, levy upon such property and collect a tax, for highway purposes, uniform in rate with the tax levy for such purposes in other districts of said county.

County  
officers;  
duties of.

Such taxes, when collected, shall be paid into the county treasury of Monterey County, to the credit of the Salinas City Road Fund, and upon demand of the council of Salinas City, properly certified by the mayor and city clerk of said city, the auditor of Monterey County shall draw a warrant upon the county treasurer in favor of the city treasurer of Salinas City for the amount of money in said Salinas City Road Fund specified in said demand.

The treasurer of Monterey County shall, upon the presentation of such warrant, pay the amount to the city treasurer of Salinas City, who shall place the same in the city treasury, to the credit of the city road fund and shall pay the same out only upon warrants duly drawn and countersigned as provided for in this charter.

## ARTICLE XI.

### CLAIMS AND DEMANDS.

Salaries:  
how and  
when paid.

SECTION 1. The salary of all city officers and regular employees entitled to a salary fixed by the provisions of this charter or by ordinance (except the city superintendent of schools, teachers and employees of the school department) shall be paid monthly out of the general fund of the city treasury. The city clerk shall, on the first Monday in each month, draw and countersign a warrant in favor of each such officer and employee for the amount of his salary for the previous month, which warrants shall be signed by the mayor. Upon any such officer or employee accounting for, and paying into the city treasury all money belonging to the city collected or received by him as required by the provisions of Section 9, Article X hereof, or in case he has received no such money, upon filing the required statement to that effect, the clerk shall deliver to him his salary warrant; but no such officer or employee shall receive a warrant for his salary for any money until he has accounted for and paid into the city treasury all money belonging to said city collected or received by him or in his possession or control.

School  
teachers:  
how and  
when paid.

SEC. 2. The salary of the city superintendent of schools and of all teachers and other persons regularly employed by the board of education at a fixed salary or rate of compensation, shall be paid monthly, out of the school fund. The secretary of the board of education shall, on the first Monday in each month, draw and countersign a warrant or requisition in favor of each such teacher and employee for the amount of his salary for the previous calendar month, which warrants or requisitions must be signed by the president of the board of education and delivered to the persons entitled thereto. Before signing the warrant or requisition for the salary of the city superintendent of schools for any month, the president of the board of education must require of him a certificate from the city clerk that he has accounted for all money belonging to Salinas City which has come into his hands during the past month and has paid the same into the city treasury.

SEC. 3. All claims and demands whatever against Salinas City, except salaries, interest coupons on bonds and bonds of the funded debt, shall be paid only on claims as herein provided.

SEC. 4. All such claims (except those payable out of the school fund or library fund) shall be itemized and made out on blank forms adopted by the council and furnished by the clerk for that purpose, verified by the affidavit of the claimant or some person in his behalf, and filed with the city clerk; and until a claim is so made out, verified and filed, it shall not be considered by the council. At its regular monthly meeting and at such other times as it may desire, the council shall examine and allow, in whole or in part, or reject all such claims, then on file with the city clerk. The action of the council respecting each claim shall be forthwith endorsed thereon and certified by the signature of the mayor.

SEC. 5. Immediately upon the allowance of any claim or demand by the council, the city clerk shall draw and countersign a warrant in favor of the claimant against the proper fund of the city treasury for the amount for which such claim was allowed, and, after such warrant has been signed by the mayor, deliver it to the person entitled thereto.

SEC. 6. No suit or action shall be brought or maintained against Salinas City upon any claim or demand for money or damages until a claim therefor has been presented, as in this charter required, and rejected, either in whole or in part, nor shall suit be brought against the city upon any such claim or demand which has been presented and allowed in full; but if rejected in part suit may be brought to recover the whole of such claim.

## ARTICLE XII.

### OATH OF OFFICE, OFFICIAL BONDS AND SALARIES.

#### *The Oath of Office.*

SECTION 1. Every officer of Salinas City, after being elected or appointed and before entering upon the discharge of his official duties, shall take, subscribe and file with the city clerk the following oath:

"I, (here insert name) do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will perform the duties of (here insert name of office) to the best of my ability. So help me God."

#### *Official Bonds.*

SEC. 2. Every officer of Salinas City, after being elected or appointed and before entering upon the duties of his office, shall execute and give to said city such official bond as may be required of him by law, by the provisions of this charter, or by the ordinances of the city.

Conditions of bonds.

SEC. 3. All official bonds shall be made payable to Salinas City and must be conditioned that the principal will well and faithfully perform all official duties that are or may thereafter be imposed upon or required of him by law, the provisions of this charter or the ordinances of the city; and that, at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond must be executed by two or more sureties or by some responsible surety company authorized by law to become a surety upon bonds; and all such sureties shall justify in the manner required by law of sureties upon official bonds. No city officer or employee shall become or be accepted as a surety upon any such bond. Personsholdingtwo or more offices which have been consolidated by the provisions of this charter shall execute but one bond, which shall secure the faithful performance of all of their official duties.

Approved by mayor.

SEC. 4. All official bonds shall be approved by the mayor and filed with the city clerk, who shall record them in a book to be kept by him for that purpose. After recording, the clerk shall safely keep all such bonds, except his own, which he shall deliver to the mayor, who shall be the custodian thereof.

Amounts of bonds.

SEC. 5. The following-named officers shall execute bonds in the following amounts respectively:

City Clerk and Assessor.....	\$5,000
City Treasurer and Collector.....	20,000
City Engineer and Street Superintendent...	2,500
Chief of Police.....	1,000

The council may, at any time, increase the amount of bonds required of the aforesaid officers, or any of them, and may require bonds of any other officer or employee of the city and fix the amount of such bonds.

Additional bonds.

SEC. 6. The council may, at any time, require an additional bond of any officer whose bond it deems insufficient, and upon the failure of such officer to furnish a satisfactory bond in the additional amount required by the council within ten days after the same is demanded, his office may be declared vacant.

Failure to qualify.

SEC. 7. If any person shall fail or neglect for the period of ten days after receiving notice of his election or appointment to any office of Salinas City to qualify therefor by taking the oath of office as herein prescribed and filing the required bond, if any, his election or appointment shall forthwith become null and void.

*Salaries.*

Serve without salary.

SEC. 8. The mayor, all councilmen, school trustees, members of the board of health, library trustees and park commissioners shall receive no salary or compensation for their services.

Salaries of city officers.

SEC. 9. The council shall, by ordinance, fix the salary or compensation of the city clerk and assessor, city treasurer and collector, city engineer and street superintendent, city attorney, police judge, chief of police, police officers, and all other

officers and employees of Salinas City (except as otherwise herein provided) which it shall decide are entitled to salary or compensation.

SEC. 10. The board of education shall fix the salary or compensation of the city superintendent of schools, all teachers, janitors and other employees of the school department. Of teachers

SEC. 11. The board of library trustees shall fix the salary or compensation of the librarian and all other employees in and about the Salinas Public Library. Of librarian.

SEC. 12. The salary of an officer for whom a definite term of office has been fixed by the provisions of this charter, shall not be increased or diminished after his election or during the term of his office. Not increased or diminished.

## ARTICLE XIII.

### PUBLIC UTILITIES.

SECTION 1. No exclusive franchise or privilege shall be granted by Salinas City for any purpose. In granting franchises the council shall be governed by the general laws of the state in force at the time, but in each instance it may impose such additional lawful conditions, limitations and restrictions as, in its opinion, subserve the public interest and welfare. Franchises

SEC. 2. The council may, after being duly authorized thereto by the vote of two-thirds of the electors of Salinas City voting at a special election called for that purpose, lease, purchase, construct, acquire, own, control, manage and operate street railroads within said city, or works for supplying said city and its inhabitants with water, gas, electric or other artificial light, electric power, or local telegraph or telephone service; together with the land, water-rights, reservoirs, aqueducts, buildings, machinery, pipes, wires and other articles and appliances necessary or incident to such works. Public ownership.

SEC. 3. The council may at any time, and upon receiving a petition therefor signed by a number of voters equal to forty per cent of the votes cast at the last regular municipal election, must call a special election at which shall be submitted to the qualified electors of Salinas City the proposition of acquiring any or all of the public utilities mentioned in this article, and in case the cost of any thereof is too large to be paid out of the ordinary annual income and revenue of said city, the incurring of a bonded indebtedness to pay such cost. Such special elections shall be conducted as herein provided and all bonded indebtedness shall be incurred and paid in the manner provided by the general laws of the state in force at the time. Special elections.

SEC. 4. Whenever Salinas City shall acquire any public utility, the council shall, by ordinance, provide for the maintenance, preservation, management, operation and use thereof and for that purpose may create such offices, boards and commissions, in addition to those provided for in this charter, as it Maintenance of utilities.



may deem necessary, provide for their election or appointment, prescribe their powers and duties and fix their compensation.

Artificial  
light; to fix  
rates for,  
etc.

SEC. 5. Until Salinas City shall acquire, own and control works for supplying itself and its inhabitants with artificial light, the council shall, annually, in the month of February of each year, fix the rates that shall be charged and collected by every person, company, association or corporation furnishing artificial light to said city or its inhabitants for such artificial light so furnished and the ordinance fixing such rates shall take effect on the first day of July after its passage and shall remain in effect for one year thereafter. The rates fixed shall be equal and uniform and there shall be no discriminations made between persons, or between persons and corporations or as to such light furnished for domestic or municipal purposes. The council shall by ordinance provide for obtaining reports and statements from persons, companies, associations and corporations furnishing artificial light to said city or its inhabitants as to the cost and value of the property used in such business, their gross receipts and necessary expenses and such other information as it may require to enable it to fix such rates. Any person, company, association or corporation charging or attempting to collect rates in excess of those fixed by the council for artificial light furnished to the city or any inhabitant thereof shall forfeit to Salinas City a penalty of not less than one hundred nor more than one thousand dollars for each such illegal charge or attempt to collect an illegal rate to be recovered by suit in any court of competent jurisdiction.

## ARTICLE XIV.

### PARKS.

Manage-  
ment of  
parks.

SECTION 1. The several tracts or parcels of land belonging to Salinas City, known as Central Park and Sherwood Park, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for park purposes shall be managed and controlled by a board of five commissioners which shall be termed the Board of Park Commissioners.

Mayor to  
appoint  
commis-  
sioners.

SEC. 2. The mayor and city engineer shall be ex-official members of said board and the three remaining commissioners shall be appointed by the mayor and their appointments confirmed by the council. The mayor first elected under the provisions of this charter shall, within one month after taking his office, appoint such commissioners, who shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years. Thereafter one commissioner shall be appointed in the month of July of each year to hold office for a term of three years and until his successor is appointed and qualified. All commissioners must be at least twenty-five years of age and residents of Salinas City at the time of their appointment.

Organiza-  
tion of  
board.

SEC. 3. The board shall elect a president and secretary who shall hold office during its pleasure. It shall hold regular

meetings once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its directions.

SEC. 4. Said board of park commissioners shall have full Authority. power and authority to manage, control and govern the parks of Salinas City and provide for the maintenance and improvement thereof. It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans; planted with suitable trees, shrubs, flowers, grass, etc., and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their powers and duties and fix their salary or compensation. It shall supervise and control the expenditure of all money in the park fund of the city treasury. It may adopt and enforce such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control and for the protection of the property thereon and shall cause the same to be posted on such grounds. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this article and to maintain, beautify and improve the city's public parks.

SEC. 5. The council shall annually include in the general Tax levy. tax levy, a tax of not more than five cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks. Such tax, when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes, shall constitute the park fund and shall be kept by the city treasurer separate from all other public money and shall be used and paid out only for the benefit of the city's parks. All expenditures of said fund must be authorized by the board of park commissioners and all claims payable therefrom must be approved by said board before being presented to or allowed by the council.

SEC. 6. The board of park commissioners shall annually on Annual report. the first Monday in July, present to the council a full report and statement of its proceedings during the past fiscal year, containing an itemized account of all money received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year.

SEC. 7. The council shall, by ordinance, provide for carry- Duty of council. ing into effect the powers herein granted to the board of park commissioners and enforcing such orders, rules and regulations as it may make concerning the use of the public parks and the preservation of park property.

## ARTICLE XV.

## LIBRARY.

Public  
library.

SECTION 1. The council may, at any time, provide for the establishment and maintenance of a public library in Salinas City; which shall be known as the Salinas Public Library, and subject to such rules and regulations as may be established for its government; shall be free of access to all citizens and residents of said city. Such provision must be made by ordinance, which shall also appoint the library trustees hereinafter mentioned, and the remaining sections of this article shall take effect only upon the adoption and approval of such ordinance.

*The Board of Library Trustees.*Manage-  
ment.

SEC. 2. The management and control of the public library shall be vested in a Board of Library Trustees, consisting of three members. A library trustee must be not less than twenty-five years of age and a resident of Salinas City for at least one year immediately prior to his appointment or election. Women shall be eligible to serve on such board.

Trustees.

When the council passes the ordinance providing for the public library, it shall therein appoint three library trustees to serve until the next regular municipal election. At such election three trustees shall be elected by the qualified voters of said city, and they shall so classify themselves, by lot, that one shall hold office for two years, one for four years and one for six years; and thereafter at each regular election one library trustee shall be chosen to serve for a term of six years and until his successor is elected and qualified.

Vacancies.

All vacancies in the board of library trustees shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term or until the next regular municipal election, when a trustee shall be chosen to serve during the remainder of the term.

Organiza-  
tion.

SEC. 3. The board of library trustees shall organize by electing one of its own members president and appointing a secretary, who shall hold their respective offices during the pleasure of the board. It shall hold regular meetings at least once every month at such times and place as it may, by resolution, determine, and special meetings may be called at any time by the president or any two members of the board. All of its meetings shall be public and two members shall constitute a quorum for the transaction of business. Said board may adopt and enforce rules for its own proceedings; it shall cause a record of its proceedings to be kept by its secretary under its direction and upon the demand of one member, the vote on any question shall be taken by "ayes" and "noes" and entered in the journal.

Powers.

SEC. 4. Subject to the provisions, limitations and restrictions in this charter contained, the board of library trustees shall have power:

1. To establish, manage and control the Salinas Public Library and all property belonging or appertaining thereto.

2. To adopt and enforce such rules and regulations for the administration, government and protection of such library and all property belonging, loaned, devised, or donated thereto, as it may deem proper.

3. To appoint, hire and discharge all librarians, janitors and other officers and employees in and about said library, and to prescribe their powers and duties and fix their compensation.

4. To purchase such real property as may be required for library purposes, erect or lease library buildings, furnish the same and provide for the heating, lighting and cleaning thereof.

5. To purchase all books, papers, publications, documents, maps and other articles of personal property for said library.

6. To exclude from the library all books, papers and publications of an indecent, immoral or offensive character.

7. To insure all property in or belonging to said library.

8. To audit and allow and cause to be paid, in whole or in part, or reject all claims payable out of the library fund, as the same are found just and lawful or otherwise.

9. To exercise and administer any trust created for the benefit of said library.

10. To perform such other acts and exercise such other powers as may be necessary to carry into effect the provisions of this article.

SEC. 5. After adopting the ordinance providing for the establishment of the library, as hereinbefore provided, the council shall annually include in the general tax levy a tax of not less than three nor more than five cents upon each one hundred dollars in valuation of property appearing upon the city assessment roll, for the support and maintenance of the Salinas Public Library. Tax levy.

SEC. 6. All money and revenue, derived from taxation for library purposes or contributed, donated, given, devised or bequeathed for such purpose and the income or revenue of all property or funds held in trust for the benefit of said library shall be paid into and belong to a fund, to be designated as the "Library Fund," and shall be kept by the city treasurer separate and apart from all other public moneys, and shall be used only for the establishment, enlargement, maintenance and support of the Salinas Public Library, including the purchase of the necessary property and the erection of library buildings, rent of room, salaries and other necessary expenses, and shall be paid out as herein provided. Library fund.

SEC. 7. All claims payable out of the library fund shall be made out, itemized and verified in the manner prescribed by law for other claims against the city treasury, and filed with the secretary of the board of library trustees. At each regular meeting said board shall examine all such claims on file with the secretary and allow in whole or in part or reject the same as found just and legal or otherwise. The secretary shall forthwith draw and countersign a warrant for all allowed Claims.

claims in favor of the claimant against the library fund, which warrant shall be signed by the president of the board and delivered to the person entitled thereto.

Annual  
report.

SEC. 8. The library trustees shall, on the first Monday in July of each year make a report to the council of the condition of the public library during the past fiscal year; containing a full statement of all money and property received, whence derived and how used and expended; the number of books, journals and other publications on hand; the number added by purchase, gift or otherwise during the year; the number lost, destroyed or disposed of, and such other statistics concerning said library as may be of general interest. Such report shall be in writing and duly verified by the oath of the president and secretary of the board. The board shall accompany said report with a careful estimate of the amount of public funds and money to be raised by taxation for the support of the public library during the ensuing fiscal year.

Ordi-  
nances.

SEC. 9. The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same or unlawfully obtaining or detaining books or other property from such library.

## ARTICLE XVI.

### MISCELLANEOUS.

Fiscal year

SECTION 1. The fiscal year of Salinas City shall commence on the first day of July of each year and shall end on the last day of June of the succeeding year.

Definition  
of words.

SEC. 2. The word "city" wherever it occurs in this charter means Salinas City; and every commission, commissioner, department, board or officer herein mentioned means (unless expressly otherwise stated) a commission, commissioner, department, board or officer, as the case may be, of Salinas City.

Contracts;  
officers not  
to be in-  
terested in.

SEC. 3. No councilman or other officer or employee of Salinas City shall be or become, directly or indirectly, interested in any contract to which said city or any officer thereof in his official capacity is a party; or in any work or the sale of any article, the cost or price of which is payable from the city treasury; or in the sale, purchase or lease of any real estate or other property sold or leased to or by said city; and any such contract, sale, purchase or lease in which any such officer or employee is interested, in violation of the provisions of this section, shall be void as to said city. Any officer or employee of said city violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner prescribed by law and in addition thereto shall forfeit his office or employment.

Forfeited  
franchises.

SEC. 4. All franchises and privileges heretofore granted by Salinas City which are not in actual use or enjoyment or which the grantees thereof are not in good faith exercising, are hereby declared forfeited and void.

SEC. 5. If any officer of Salinas City absents himself from said city for a period of thirty days or more without first obtaining permission of the council, his office shall be declared vacant.

Absence of officer.

SEC. 6. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time shall apply to and govern Salinas City.

General laws to govern.

SEC. 7. All books and records of every officer and department, other than the police department, shall be open to the inspection of citizens at any time during business hours. Copies and extracts from such books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, upon payment or tender of the fees therefor fixed by the council.

Books, etc., open for inspection.

SEC. 8. This charter, so far as it relates to the election of officers and their terms of office, shall take effect and be in force from and after the first day of March, 1903, at 12 o'clock noon, and for all other purposes said charter shall take effect and be in force from and after the first Monday in July, 1903, at 12 o'clock noon of that day.

Charter; when in effect.

SEC. 9. The mayor and common council of Salinas City shall provide for holding the first election of officers created by this charter and shall canvass the returns and declare the result of such election.

First election.

SEC. 10. No municipal or charter election for the election of city officers shall be held in Salinas City from and after the first day of March, 1903, until the time provided for holding the first election of officers provided for in this charter. The city officers in office on said first day of March, 1903, shall continue to hold their respective offices until the first Monday of July, 1903, when they shall surrender and cease to hold the same.

Tenure of present officers.

SEC. 11. All offices of Salinas heretofore existing, unless expressly continued by the provisions hereof, shall cease to exist at the time this charter takes effect and shall be supplanted by the offices hereby created. All ordinances, rules and regulations of Salinas City in force at the time this charter takes effect and not inconsistent therewith, shall continue in full force and effect until amended, repealed or annulled by proper authority. No business of, or pending before any officer or department of the city at the time the charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for.

Offices to cease to exist.

Prior laws in force.

### CERTIFICATE.

WHEREAS, Salinas City, a city containing a population of more than three thousand five hundred inhabitants, did, on the 11th day of August in the year one thousand nine hundred and two, at a special election, and under and in pursuance of the provisions of Section 8, Article XI of the

Certificate of free holders.

Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That we, the members of said board of freeholders, in pursuance of said provisions of the constitution, and within a period of ninety days after such election, have prepared and do hereby propose the foregoing, signed in duplicate, as and for the charter of Salinas City.

IN WITNESS WHEREOF, We have hereunto set our hands, in duplicate, this third day of November in the year one thousand nine hundred and two.

CHAS. FRANCEE, President  
 F. A. ABBOTT  
 H. E. ABBOTT  
 JOHN BERGES  
 J. J. BEVANS  
 JESSE D. CARR  
 D. F. DAVIES  
 C. F. LACEY  
 E. A. EATON  
 T. S. MABEL  
 J. H. MENKE  
 J. H. McDOUGALL  
 JOHN PARKER  
 T. C. REAVIS  
 C. SIEGHOLD

Attest:

JOHN J. WYATT, Secretary.

Certificate  
 of city  
 clerk.

STATE OF CALIFORNIA  
 COUNTY OF MONTEREY, SALINAS CITY } ss.

I, John J. Kelly, City Clerk of Salinas City, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of Salinas City, prepared and proposed by a duly qualified board of freeholders, duly elected on the eleventh day of August in the year one thousand nine hundred two; that a copy of said charter was duly filed with the mayor of Salinas City on the third day of November in the year one thousand nine hundred two, said copy having been duly signed by all of the members of said board; that another copy, signed by all of the members of said board, was, on the ninth day of November in said year one thousand nine hundred two, duly filed with the recorder of the county of Monterey; that thereafter said proposed charter was duly published in a daily newspaper of general circulation in said Salinas City for at least twenty days, and the first publication thereof was made within twenty days after the completion of said charter; that within not less than thirty days after such publication, said charter was submitted to the qualified voters of said city at a special election called therefor, said election being held on Monday, the twelfth day of January in the year one thousand nine hundred three, and at such election a majority of such qualified voters

voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned said Salinas City contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salinas this twenty-first day of January, in the year one thousand nine hundred three.

JOHN J. KELLY  
City Clerk of Salinas City.

Now, therefore, be it

*Resolved by the senate of the State of California, the assembly concurring* (a majority of the members elected to each house voting for and concurring herein), That said charter of Salinas City, as presented to, and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said Salinas City.

Approval  
by legis-  
lature.

#### CHAPTER XVI.

*Senate Concurrent Resolution No. 7, relating to the creation of proposed forest reserves in the State of California, and requesting the boards of supervisors and district attorneys of counties therein affected thereby to gather and compile data, information, statistics and maps showing the injurious effects of the creation of such reserves.*

[Adopted February 12, 1903.]

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over seven million acres of government land in this state, as proposed forest reserves; and

Forest  
reserves.

WHEREAS, No definite action has yet been taken by the President of the United States and the Department of the Interior towards making these proposed reserves, permanent reserves; and

WHEREAS, Many and divers interests of the people of the whole state are involved in the said proposed reservations, including mining, stock and agricultural interests; and

WHEREAS, The financial interests of many counties of this state will be seriously disturbed and greatly impaired, should the said temporary withdrawals be made permanent reserves; and

WHEREAS, The permanent establishment of these reserves, under present, existing reserve laws, will cause great and lasting damage to many of the aforesaid interests and counties, and will be the means of advancing the ulterior designs of persons and corporations, not well disposed toward the welfare of this state; now, therefore, be it

*Resolved*, That the legislature of the State of California, representing the whole people of this state, requests the boards

Protest.



of supervisors and district attorneys of the several and various counties affected by the creation of the proposed reserves, to take immediate and concerted action, looking to the gathering, compilation and tabulation of data, information, statistics and maps, showing the injurious effects of the creation of such reserves, for presentation to the President of the United States, the Department of the Interior and the Commissioners of the General Land Office.

## CHAPTER XVII.

*Assembly Joint Resolution No. 1, relative to the construction of restraining dams and diverting canals on the Bear and American rivers.*

[Adopted February 16, 1903.]

Preamble.

WHEREAS, There now lies along the watersheds of the Bear and the American rivers in this state vast channels of placer deposits, containing many millions of dollars;

WHEREAS, Titles to said placer deposits were obtained from the government of the United States, by various mining companies, who have expended large sums of money in equipping them to be worked by the hydraulic mining process;

WHEREAS, By decrees of the United States courts these properties have been rendered valueless;

WHEREAS, The California Miners' Association, in convention assembled, has petitioned the congress of the United States, for appropriations of money, with which to erect restraining barriers, by the general government, having in view the resumption of hydraulic mining; now therefore be it

Favoring  
restraining  
dams to  
permit  
hydraulic  
mining.

*Resolved by the assembly and senate of the State of California, jointly,* That we request our senators to coöperate with our representatives, who are earnestly requested, to cause to be inserted in the river and harbor bill of the present session an item making an appropriation for the purposes herein contained, and directing the chief of the engineer corps of the United States army to appoint a commission of government engineers, whose duties it shall be to investigate the business of hydraulic mining along the watersheds of the Bear and American rivers, and estimate the cost for the construction of permanent restraining dams, to be connected with diverting canals for the purpose of permitting the resumption of hydraulic mining, and the filling of the low lands or the reclaiming of the tule lands adjacent to said rivers. Any reports heretofore made under the direction of the government to be made a part of the report of the commission so appointed, in so far as they may conform to the purposes outlined. *Provided,* that any plans or estimates submitted by the engineers shall insure absolute and permanent protection to navigable channels, and to lands and all property interests of the Sacramento valley, from all possibility of injury through such resumption of

Protection  
to naviga-  
ble streams

hydraulic mining, and from further pollution of the rivers of the valley resulting from such mining operations.

*Resolved*, That a copy of these resolutions be transmitted by mail to each of our members in congress, and to each of the members of the house committee on rivers and harbors, and the senate committee on commerce.

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## CHAPTER XVIII.

*Assembly Concurrent Resolution No. 4, approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.*

[Adopted February 16, 1903.]

WHEREAS, The City of Watsonville a municipal corporation Preamble. referred to the County of Santa Cruz is now and was at the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants and less than ten thousand inhabitants;

WHEREAS, At a special municipal election duly held in said city on the 15th day of April, 1902, under and in accordance with law and provision of section eight of article eleven of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof to prepare and propose a charter for said city; and

WHEREAS, The same was, on the tenth day of July, 1902, signed in duplicate by the members of said board of freeholders and was thereupon duly returned: one copy to the president of the board of trustees of said city and the other copy to the county recorder of Santa Cruz county; and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city to wit: The Watsonville Daily Register, for more than twenty days after the completion of said charter, (said publication being from the 17th of July to August 8th, 1902); and

WHEREAS, Within less than thirty days after the publication of said charter as required by said section eight of article 11 of said constitution, to wit, on the 30th day of August, 1902, said charter was submitted by the legislative authority of said City of Watsonville to the qualified electors of said city at the special election previously duly called and then held therein for the purpose of ratifying or rejecting said proposed charter,

WHEREAS, The returns of said election were duly canvassed by said board of trustees of said city at a meeting held on the second day of September, 1902; and

WHEREAS, At said special election, a majority of said qualified electors of said city voting at such special election, voted in favor of the ratification of such charter as proposed as a whole; and

WHEREAS, Said board of trustees after canvassing said returns, duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter; and

WHEREAS, Said charter, as so constituted by its ratification as a whole, is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article 11 of the constitution of said state; and

WHEREAS, Said charter so ratified is in words and figures following, to wit:

#### CHARTER PREPARED AND PROPOSED FOR THE CITY OF WATSONVILLE

By the Board of Freeholders elected April 15th, 1902, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

#### ARTICLE I.

##### BOUNDARIES AND CORPORATE POWERS.

Corporate  
name.

Powers.

SECTION 1. The municipal corporation now existing and known by the name of "City of Watsonville" shall remain and continue a body politic and corporate in name and in fact, by said name of City of Watsonville and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and may alter the same at pleasure; may make and enter into contracts; may purchase, acquire, receive, hold, possess, and enjoy necessary real and personal property within and without its corporate limits, and may sell, convey, lease and dispose of the same for the common benefit; may construct, purchase or otherwise acquire water works, artificial light works, street railroads and other public utilities and may regulate, manage and dispose of the same; may receive bequests, gifts and donations of all kinds of property, within or without its corporate limits, in fee simple or in trust for charitable and other lawful purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; may within the limits provided by this charter, levy and collect taxes upon all taxable property within the City of Watsonville and may do and perform all other acts necessary or incident to the exercise of the powers herein, or otherwise by law granted.

Rights of  
property.

SEC. 2. The City of Watsonville shall continue, under this charter, to have, hold and enjoy all property, rights of prop-

erty, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same.

SEC. 3. Suits, actions and proceedings may be brought in the name of City of Watsonville for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to the public use, or for the enforcement of any rights or contracts with said corporation; whether made, or arising, or accruing before or after the adoption of this charter. All existing suits, actions and proceedings, in court or elsewhere, to which the City of Watsonville is a party, shall continue to be carried on by or against said City of Watsonville. Suits at law.

SEC. 4. No recourse shall be had against the City of Watsonville for damages or loss to person or property suffered or sustained by reason of the defective condition, or for want of repair of any sidewalks, street, avenue, alley, highway, public park or public place, whether any of said defects originally existed or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the said municipal corporation for any damage to persons or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, park, court or place, or suffered or sustained by reason of the falling from any embankment thereon, or into any excavation therein; but in such case the person or persons on whom the law may have reposed the obligation to repair such defects in the sidewalk, street, highway or sewer, and also the person or persons, officer or officers, through whose official negligence such defects remain unrepaired, without adequate guard and lights placed for the protection of the public, shall be jointly and severally liable to the party injured for damages sustained. Recourse for damages.

SEC. 5. Said municipality shall have power, upon a two-thirds affirmative vote of the electors thereof, to levy taxes, exceeding the limits hereinafter provided in this charter to be levied by the board of aldermen; such excess levy not to exceed, in any one year, one per cent of the assessed valuation made for the purpose of city taxation of the property within the territory of said City of Watsonville. Tax limit.

SEC. 6. The boundaries and area of the City of Watsonville shall be and remain as fixed by section 2 of an act of the legislature of the State of California entitled "An act to incorporate the town of Watsonville, Santa Cruz County, California," approved March 30, 1868; *provided, however*, that the boundaries and area of said city may be enlarged or altered in accordance with the provisions of the general laws of the State of California. If area is enlarged it shall become a part of contiguous ward or wards as may be determined by the board of aldermen. Boundaries.

SEC. 7. The City of Watsonville is hereby divided into four wards, which shall be respectively designated and described as follows: Wards.

First Ward—The first ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing First ward.

at a point in the center of Pajaro street, at the intersection of the middle line of said Pajaro street with the middle line of Third street, thence running along the center line of said Pajaro street northwesterly, and in a northerly direction along the middle line of a continuation of said Pajaro street to the northwestern boundary of said city; thence along the boundary lines of said city southwesterly and southeasterly to the middle line of Third street; thence along the middle line of said Third street in an easterly and northeasterly direction to the place of beginning.

Second  
ward.

Second Ward—The second ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street, thence running along the center line of said Pajaro street northwesterly and in a northerly direction along the middle line of a continuation of said Pajaro street to the northwestern boundary of said city; thence along the boundary lines of said city northeasterly and southeasterly to the middle of Third street; thence along the middle line of said Third street in a southwesterly direction to the place of beginning.

Third ward

Third Ward—The third ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street southeasterly to the southeastern boundary of said city; thence along the boundary lines of said city northeasterly and northwesterly to the middle line of Third street; thence along the middle line of Third street in a southwesterly direction to the place of beginning.

Fourth  
ward.

Fourth Ward—The fourth ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street southeasterly to the southeastern boundary of said city; thence along the boundary lines of said city southwesterly and northwesterly to the middle line of Third street; thence along the middle of Third street in an easterly and northeasterly direction to the place of beginning.

## ARTICLE II.

### LEGISLATIVE DEPARTMENT.

Board of  
aldermen.

SECTION 1. The legislative power of the City of Watsonville is hereby vested in a board of aldermen, consisting of eight members, two from each ward. Aldermen shall be qualified electors of the city and shall be elected by the qualified electors of their respective wards and must be residents of the City of Watsonville for two years and of the ward from which

they are elected for at least one year prior to their election. The term of office of the board of aldermen shall be four years. At the first election of aldermen one from each ward shall be elected for a short term of two years.

SEC. 2. If a vacancy occurs in the office of alderman, it shall be filled by appointment by the mayor, which appointment must be confirmed by the board of aldermen. The one appointed must be a resident of the same ward in which the vacancy exists and he shall hold office until the next election.

SEC. 3. The board of aldermen shall hold regular meetings at least once a month at the city hall and shall designate by ordinance the time of such regular meeting. Special meetings may be called by the mayor, or in case of his absence or refusal to act, by four aldermen. The votes of five aldermen shall be requisite to the passage of any ordinance, resolution or other official act of said board.

SEC. 4. The board of aldermen may establish rules to govern its proceedings, may punish its members for disorderly conduct committed in its presence and by vote of not less than six members, may, with the approval of the mayor, expel any member for malfeasance in office.

SEC. 5. The board of aldermen may compel the attendance of witnesses and the production of documents, books and records relating in any way to matters pending before it; and for disobedience to a subpoena or contemptuous or disorderly conduct committed in its presence, may fine the offender not more than one hundred dollars or punish him by imprisonment in the city jail not more than ten days.

SEC. 6. The meetings of the board of aldermen shall be open to the public, and the ayes and noes shall be taken and recorded by the clerk upon every final action of said board in the granting or extending of franchises, the making of contracts, the ordering of work to be done, or supplies to be furnished, the election of subordinate officers and the passage of ordinances.

SEC. 7. The enacting clause of all ordinances shall be: "The people of the City of Watsonville do ordain as follows."

SEC. 8. All ordinances shall be reduced to writing before being passed and upon passage shall be presented to the mayor for approval. If he approves such ordinance, he shall indorse it accordingly, and the same shall take effect and be in force from and after the tenth day after such approval unless otherwise provided in such ordinance. If the mayor do not approve such ordinance, he shall indorse the fact of its rejection thereon within ten days after such passage; otherwise it shall go into effect on the twentieth day after its passage. By the affirmative vote of six members of the board of aldermen a veto of the mayor's shall be overcome and such ordinance shall take effect on the tenth day after such affirmative vote; *provided*, such affirmative vote be taken within sixty days after the original passage of such ordinance.

SEC. 9. All ordinances shall be published in some newspaper published in the City of Watsonville at least once before

Vacancy.

Meetings.

Rules.

Attend-  
ance of  
witnesses.Ayes and  
noes.Enacting  
clause.Ordi-  
nances,  
and duty  
of mayor.Prior laws  
in force.

going into effect. All ordinances, orders and resolutions of the City of Watsonville now in force shall continue in force until modified, abrogated, repealed or amended by the board of aldermen.

**Contracts.** SEC. 10. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, sweeping or lighting streets, public buildings, places or offices, or the supplying of water for the use of the municipality shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights or any other illuminating materials, or for the supplying of water for the municipality at a higher rate than is charged to other consumers. The erection, improvement and repair of all public buildings and works, street and sewer work and the furnishing of supplies or material for the same, and all purchases of other supplies and all contracts where the expenditure exceeds two hundred and fifty dollars shall be let by contract to the lowest responsible bidder, after notice published at least once in some newspaper published in the City of Watsonville. Such notice shall state the character of the work to be done or supplies to be furnished, or refer to the place where the specifications may be seen.

**Roadways.** SEC. 11. It shall be the duty of the board of aldermen to, at all times, keep the roadway of all streets within the city, which have been or may be graded, curbed, guttered and sidewalked, free and clear from weeds, grass and other obstructions.

**Powers of board.** SEC. 12. Subject to the provisions, limitations and restrictions in this charter contained, the board of aldermen shall have power:

**Ordinances.** 1. To make and enact all ordinances not repugnant to or inconsistent with the provisions of this charter, the Constitution of the State of California and the Constitution of the United States.

**Realty.** 2. To acquire, by purchase or condemnation, such real property as may be needed for public use.

**Same.** 3. To use, care for, manage, control, improve, lease and sell all real and personal property belonging to the city; *provided, however,* that said board shall have no power to hypothecate or mortgage any property of said city. All real estate must be sold at public auction to the highest bidder, after notice of one or more publications in a newspaper published in the city. The last publication of said notice shall be made at least ten days before the day of sale.

**Streets.** 4. To lay out, open, extend, alter and close streets, avenues, lanes, alleys, courts and public places within said city, and to fix and alter their official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning and watering thereof; to manage and control such streets, highways and places and to regulate the use thereof; to regulate or prohibit the placing or maintaining of hitching posts, trees, signs, awnings, and other obstructions therein, and to remove obstructions therefrom.

**Obstructions.** 5. To require the owners of real estate in the city to remove

grass, weeds and obstructions from the sidewalk in front of their property and upon their default to cause such work to be done and the cost thereof to be made a lien upon such property.

6. To fix limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Fire limits.

7. To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks and other structures, and to provide for their summary abatement or destruction; to prescribe the depths of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of sewer connections, sanitary plumbing, bath-rooms, water-closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to summarily abate and prohibit the construction of buildings and structures which do not conform to such regulations. Regulations for buildings.

8. To regulate the size and construction of the entrances to and exits from theatres, lecture rooms, churches and other public buildings and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings. Exits, etc., to public buildings.

9. To examine, either in open session or by committee, or commission, all books, papers, vouchers, reports, statements and accounts of the several officers and employés of the city and of any other person having care, custody or control of any money, funds or property belonging or appertaining to the City of Watsonville, or any of its funds, trusts or uses. Examine accounts.

10. To make all necessary rules to govern the official conduct and prescribe the duties of all officers and employés of the city whose duties are not defined in this charter and to impose additional duties upon those whose duties are herein set forth. Rules to govern officials.

11. To fix the salary and compensation of all officers and employés of the city whose compensation is not fixed or prescribed in this charter; to require bonds from all city officers for the faithful performance of the duties of their office; to fix the amount of such bonds and to approve the same. Fix salaries.

12. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts and appoint all necessary election officers. Elections.

13. To ordain, make and enforce, within the city, all necessary local, police, sanitary and other laws and regulations. Police laws

14. To define and prevent nuisances and to provide for the abatement or summary removal thereof. Nuisances.



- Houses of ill-fame. 15. To prohibit or suppress houses of ill-fame or prostitution and to prescribe the evidence necessary to establish the fact that a house is of ill-fame or used for the purposes of prostitution.
- Punishments. 16. To determine and prescribe fines, forfeitures and penalties for the breach or violation of any ordinance and to make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however,* that such fine shall not exceed the sum of five hundred dollars, and such imprisonment shall not exceed six months.
- City prison. 17. To provide for and maintain a city prison and to provide for the management, maintenance and clothing of persons detained therein.
- Chain-gang. 18. To provide for the formation of a chain-gang of persons convicted of misdemeanors in the city police court, and for their employment for the benefit of the city.
- Public pound. 19. To establish and maintain a public pound, to prevent or regulate the grazing of animals on the streets or public places, and to regulate or prevent the running at large of animals within the city and to provide for the impounding, sale or destruction of such animals.
- Police department. 20. To organize, maintain, regulate and control, the police department and fire department of the city.
- Riots. 21. To prevent any riotous assemblage or disorderly conduct in the city.
- Rewards for criminals. 22. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who has committed a felony in the city, and to authorize the payment thereof.
- Morgue. 23. To provide for and maintain a morgue.
- Cemeteries. 24. To own, manage and control cemeteries within or without the city, and to sell or lease lots therein; to regulate or prohibit the burial of the dead in the city, and to authorize the disinterment and removal of any body buried within said city or in a cemetery belonging thereto.
- Slaughter-houses, etc. 25. To regulate the management of slaughter-houses, chemical works, glue factories, laundries, tanneries, and all other offensive trades, and all manufactories, works and business of every description which may endanger the public safety, health and comfort; and to restrict the same to fixed limits or to prohibit their maintenance within the city.
- Explosives. 26. To regulate or prohibit the manufacture, keeping, storage and use of powder, nitro-glycerine, fireworks and other explosive substances and materials.
- Storage of hay, etc. 27. To regulate the storage of hay, straw and other inflammable materials.
- Steam engines. 28. To regulate or prohibit the use of steam boilers and steam engines within the city.
- Taxes. 29. To levy and collect, within the limits prescribed by this charter, taxes on all property, real or personal, within the city, made taxable by law for state and county purposes.

30. To manage and control the city's finances, and to examine and liquidate all accounts against the city, or to reject the same in whole or in part. Finances.
31. To license, for the purpose of regulation and revenue, all and every kind of business, not prohibited by law, and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein, and to fix the license tax upon the same, and to provide for the collection thereof. Licenses.
32. To provide for the purchase of any property levied upon under execution in favor of the city; *provided*, that the amount bid for such property shall, in no instance, exceed the amount of the judgment and costs. Purchase of property
33. To provide for the proper execution of all trusts confided in the city. Execution of trusts.
34. To provide a seal for the City of Watsonville, for the city police courts, and for such officers and departments of the city government as may require the same. Seal.
35. To provide for the preservation, maintenance and extension of the city's sewer system, and to make and enforce all necessary rules and regulations for the management and use thereof. Sewer system.
36. To prescribe sewerage districts and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system, and in case of default on the part of such owners, to cause such work to be done and the cost thereof to be made a lien against such property. Sewerage districts.
37. To provide for the city's printing and advertising. Printing.
38. To establish, maintain and manage public markets in the city. Markets.
39. To provide for the naming of streets and the numbering of houses in the city. Naming streets.
40. To provide for the erection, maintenance and repair of all municipal buildings, and for the cleaning and lighting thereof. Municipal buildings.
41. To do and perform all other acts and things not herein enumerated, but required by this charter or by law, or necessary or incident to the exercise of any power conferred upon said board. Incidental duties.
42. To grant franchises; and to grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to lay gas or water pipes, to erect poles and wires, or lay conduits for transmitting electric energy for lighting or power purposes along or upon the public streets and highways of the city; *provided, however*, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this charter contained relating to the granting of franchises. Franchises
43. To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing, or maintaining such nuisances, and to prohibit offensive and unwholesome businesses or establishments within the city. Nuisances.

44. To provide for and regulate the inspection of all dairies either within or without the city limits that offer for sale or sell any of their products in the city.
45. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city, or having or keeping within the city of such unsound, spoiled, adulterated or unwholesome products.
46. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys and public places of the city.
47. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service and connection within the city.
48. To adopt by ordinance at any time any provisions made by the general law of the State of California for the assessment, levy and collection, or either, of the city taxes by and through the officers of the county.
49. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and all kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, or prohibit, hawking and peddling and the carrying on of any laundry, livery, and sale stable, cattle or horse corral, planing mill, rolling mill, oil well, tank or refinery, foundry, brick yard, slaughter house, butcher shop and the keeping of bees, cattle or poultry within the limits or within any designated portion of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.
50. To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this charter made, as the board of aldermen may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare, and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.
51. To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.
52. To restrain or punish vagrants, mendicants, street beg-

Dairy inspection.

Market inspection.

Wires and poles.

Tele-phones.

Taxes; may be collected by county, when.

Licensing and regulation of places of amusement, etc.

Preservation of health and morals.

Cruelty to animals.

Vagrants.

gars, and lewd persons, and prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness and all obnoxious, offensive, immoral, indecent, and disorderly conduct and practices in the city.

53. To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fires. Fire escapes

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

SECTION 1. There shall be a mayor who shall be the chief executive officer of the City of Watsonville. He shall be elected at each general municipal election in said city and his term of office shall be two years. He shall be at least twenty-one years of age, a citizen of the State of California, and a resident and qualified voter of the City of Watsonville for the two years immediately preceding his election. Mayor: when elected, qualifications, duties, etc.

1. The mayor shall be the presiding officer of the board of aldermen but shall not vote unless the board be equally divided. He may call special sessions of said board and shall do so upon the request, in writing, of a majority of the members thereof. He shall have the right to be present at the meetings of all special and standing committees of said board. He shall sign the journal of said board and all warrants drawn upon the city treasury.

2. He shall diligently observe the official conduct of all officers and employes of the city, and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations; especially in the collection, administration, and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employment or service of the city shall, at all times, be open to his inspection, and he shall take special care to see that all such books, records and documents are kept in proper legal form. He shall have the general supervision of all departments, public institutions and officers in the city and shall see that they are lawfully, economically and honestly conducted. He may, with the consent of the board of aldermen, at any time that he deems necessary or expedient, appoint a competent person who is an expert in bookkeeping and accounts, to examine the books, records, conditions and affairs of any and all departments, boards or officers in the city, and make report thereon, and the person so appointed shall have full power and authority to examine all books, records and documents of or pertaining to the department or office which he has been authorized to investigate.

3. When any official defalcation, willful neglect of duty, or other official misconduct by or on the part of any employe of the City of Watsonville shall come to the knowledge of the mayor, he shall have the power to suspend such delinquent

Mayor,  
duties of.

officer or person from his office or employment and immediately report the matter to the board of aldermen for investigation. The board may, after a public hearing, approve such suspension and remove the accused person from his office or dismiss him from the service of the city, by a majority vote of the entire board.

4. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he, with the consent of the board of aldermen, shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons, associations or corporations failing to fulfill their agreements or contracts with the said city, in whole or in part.

5. The mayor shall, once every month, together with the city attorney, and the chairman of the finance committee of the board of aldermen, count the cash in the city treasury and ascertain whether or not it corresponds with the books of the city treasurer and city auditor, and report the result of such count to the board of aldermen at its next meeting.

6. The mayor shall see that the laws of the State of California, the provisions of this charter, and the ordinances of the city are strictly enforced and duly observed. He shall take all necessary measures for the preservation of public order and the suppression of all mobs, riots and tumults, for which purpose he may use the police force, and in case such force is insufficient, he may call upon the governor of the state for military aid.

7. The mayor shall annually, and oftener if he deems proper, communicate in writing to the board of aldermen a statement of the affairs of the city, and shall recommend such measures regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances and other matters that he may judge proper or beneficial to the city's interest; and he shall exercise such other powers, and perform such other duties as may be conferred or prescribed in this charter, by law, or the ordinances of the city.

8. When, by reason of absence from the city, or from any other cause, the mayor is temporarily unable to perform the duties of his office, the board of aldermen may select one of their number president pro tem., and he shall act as mayor during the absence or disqualification of that officer. When, from any cause there occurs a vacancy in the office of mayor, the board of aldermen shall elect one of their number president pro tem., who shall be ex officio mayor and who shall hold office during the remainder of the unexpired term.

#### THE CITY CLERK, AUDITOR AND ASSESSOR.

City clerk. SEC. 2. There shall be a city clerk, who shall be ex officio city auditor and city assessor. He shall be elected at each general municipal election, and his term of office shall be two years. He shall be a citizen of the State of California and a resident and qualified elector of the City of Watsonville for two years next preceding his election.

1. As City Clerk: He shall be present at all meetings of the board of aldermen and keep a journal of its acts and proceedings. He shall have the custody of and be responsible for the corporate seal of the city and all books, papers, records, documents and archives thereof, not in actual use by some other officer, or, by special provision of law, confided to other custody. He shall authenticate, by his signature and the corporate seal of the city, all ordinances of the city and official acts of the board of aldermen. He shall, in separate books to be kept by him for such purpose, record all ordinances of the city, all contracts to which the city or any officer thereof is party, and all official or other bonds given to said city or in which it is interested. He shall make out, sign and deliver to the city collector all licenses issued by said city. He shall file all claims and demands against the city which are required to be presented to the board of aldermen, and in a book kept for that purpose shall keep a list of all such claims acted upon, showing the name of the claimant, the amount of the claim, the date and amount of its allowance and the number of the warrant issued in payment thereof. He shall keep all books and public records properly indexed and open to inspection by the general public at all times when not actually in use. He shall have the power to take affidavit and administer oaths in all matters relating to the city's business, and shall make no charge therefor. And he shall perform such other duties as may be imposed by this charter, the laws of the state, or the ordinances of the city.

City clerk,  
duties of.

2. As City Auditor: He shall keep a complete set of books in which shall be set forth in a plain and business-like manner every money transaction of the City of Watsonville so as to show at all times the amount of money in the city treasury and the condition of each fund, from what sources said money was derived and for what purpose all money has been expended; together with all collections made and paid into the treasury by each officer or other person. It shall be the duty of the city auditor to apportion among the several funds all public moneys at any time in the city treasury and not, by law or ordinance specifically apportioned or appropriated, and to forthwith notify the city treasurer of such apportionment. He shall keep a record of all demands allowed by the board of aldermen against the city, and shall draw and countersign a warrant for the same on the city treasurer immediately after such demand has been audited and allowed as provided in this charter, and shall keep a record of such warrants. He shall, on application of any person indebted to the City of Watsonville, or holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount to be paid, by whom the same shall be paid, and to what fund the same is applicable. He shall, upon deposit with the city treasurer, of such money, charge that officer with the amount received by him and give the person paying the same a receipt therefor. He shall report to the board of aldermen, at the first regular meeting in each month, the

City  
auditor,  
duties of.

condition of each fund in the city treasury. He shall, on or before the first day of July of each year, make and present to the board of aldermen a report as to the revenue and expenses of the city for the current fiscal year; in which he shall set forth careful estimates: First, of the revenue from sources other than taxation; secondly, of the expenditures required, itemizing such expenditures; and, lastly, of the amounts necessary to be raised by taxation for each fund. And he shall perform such other duties as may be required of him by this charter, law or the ordinances of the city.

City  
assessor,  
duties of.

3. As City Assessor: He shall prepare, on or before the first day of August of each year, and present to the board of aldermen, with his certificate of its correctness, a list of all the real and personal property in said city, taxable for municipal purposes, with the true valuation thereof; be present at all sessions of the city board of equalization, and furnish to said board such information regarding the assessment roll and on all matters pertaining thereto as may be required. He shall act as clerk of said board of equalization, keep a journal of its proceedings, and enter upon said assessment list all changes and corrections made by said board. He shall make, or procure to be made, all necessary abstracts to be used in making up the assessments of the property in said city. After the taxes have been fixed by the board of aldermen, he shall make the proper calculations and enter upon the assessment book the amount of taxes due from each taxpayer and deliver said book, so completed, to the city collector on or before the third Monday of September of each year. And he shall perform such other services and exercise such other powers as may be required of, or conferred upon him, by this charter, by law or by the ordinances of the said city.

#### THE CITY TREASURER.

City treas-  
urer.

SEC. 3. There shall be a city treasurer. He shall be elected at each general municipal election and his term of office shall be two years. He must be a citizen of the State of California, and a resident and qualified elector of the City of Watsonville for the two years next preceding the day of his election. He shall receive and keep all moneys belonging to or that shall come to the City of Watsonville by taxation or otherwise, and pay out the same on demands, legally audited in the manner provided by this charter or ordinance of the board of aldermen; and without such auditing he shall disburse no public money whatever, except the principal and interest on the municipal debt when payable. He shall keep an account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the board of aldermen of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter or by the ordinances of said city.

## THE CITY ATTORNEY.

SEC. 4. The board of aldermen shall appoint an attorney <sup>City attorney.</sup> for the city, who shall be known as the city attorney, and shall hold his office during the pleasure of the board of aldermen. The city attorney shall have been an elector of the city for at least two years prior to his appointment; shall have been duly admitted to practice in the supreme court of the State of California and shall have been actually engaged in the practice of his profession for a period of at least one year next before his appointment. It shall be his duty to attend to all suits and all other matters and proceedings in which the city may be legally interested; *provided*, that the board of aldermen shall have control of all litigation. He shall, whenever required by the mayor, board of aldermen or any city officer, give his advice or opinion in writing. He shall be the legal adviser of all city officers. He shall draft and approve the form of all official and other bonds given to, and all contracts made with the city; he shall draft, when requested by the mayor or board of aldermen, or any member thereof, all proposed ordinances, resolutions or orders of the board of aldermen and shall do and perform all other things touching his office required of him by the mayor or board of aldermen.

## THE CITY ENGINEER, SUPERINTENDENT OF STREETS AND SUPERINTENDENT OF SEWERS.

SEC. 5. There shall be a city engineer who shall be *ex officio* superintendent of the streets and superintendent of sewers. The board of aldermen shall appoint a civil engineer and surveyor, who shall be known as the city engineer, and shall hold his office during the pleasure of the board.

1. As City Engineer: He shall perform the duties prescribed by this charter and such other duties as may be prescribed by the board of aldermen. He shall possess the same power in said city, in making surveys, plats and certificates, as is or may be from time to time given by law to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the county surveyor. He shall make all surveys, inspections and estimates required by the board of aldermen; he shall examine all public work done under contract and report thereon in writing to the board of aldermen. He shall, on application of any person, owning or interested in real property in said city, for a survey or plat of property, make and deliver the same upon the payment of his fees therefor. He shall be the custodian of all maps, plats, profiles, field notes, and other records and memoranda belonging to the city appertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with the full index thereto and all of which he shall turn over to his successor. All maps, plats, profiles, field notes, estimates and other memoranda and surveys and other professional work made or



done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

Street  
superin-  
tendent.

2. As Street Superintendent: He shall have the general care of the streets of the city and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions or street improvements. He shall superintend all public work pertaining to street improvements while the same is in course of construction; inspect and approve or reject all materials used in such construction whether done under contract or otherwise; and shall at once report to the board of aldermen, in writing, all deviations from contracts, use of improper material and bad workmanship in such work, and shall have, pending investigation, power to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or may be hereafter imposed by ordinance.

Superin-  
tendent of  
sewers.

3. As Superintendent of Sewers: He shall perform such duties as may be prescribed in this charter or by the board of aldermen by ordinance. (The board of aldermen may by ordinance provide that the offices specified in this article shall be held by separate officials.)

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

Police  
court.

SECTION 1. The judicial power of the City of Watsonville shall be vested in a police court consisting of one police judge. The police judge shall be elected in the same manner as are other city officers at each regular municipal election, and shall hold office for the period of two years. He shall be a resident and qualified voter in the City of Watsonville for at least two years next preceding the day of his election. Any vacancy in the office of police judge shall be filled by appointment of the mayor, which appointment must be ratified by the board of aldermen.

Court  
room.

SEC. 2. The city shall provide a suitable court room and office for holding the city police court, the necessary furniture and stationery, and a seal for said court. At any time that the board of aldermen may deem necessary, it may authorize the appointment of a clerk of said court and provide for his compensation.

Clerk.

Exclusive  
jurisdic-  
tion.

SEC. 3. The city police court shall have exclusive jurisdiction:

1. Of all actions and proceedings, both civil and criminal, for the violation of any city ordinance.

2. Of all actions for the collection of any license required by any city ordinance.

3. Of all actions and proceedings for the collection of money due the city, or due from the city to any person, where the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars.

4. Of all actions to recover for the breach or forfeiture of any bond, undertaking or recognizance given to, or for the benefit, or in behalf of the city, including official bonds, bonds given in legal proceedings and to secure the performance of contracts; and of all actions for the breach or violation of any contract to which the city is a party or in which it is interested; and of all actions for damages by or against said city; *provided*, that the amount claimed, exclusive of interest and costs, is less than three hundred dollars.

5. Of all actions for the collection of taxes and assessments of all kinds levied for city purposes, where the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars.

6. Of all actions for the recovery of personal property belonging to the city, when the value of such property, exclusive of damages for its taking or detention, is less than three hundred dollars.

SEC. 4. The city police court shall also have jurisdiction of the following public offenses committed within the city boundaries: Criminal jurisdiction.

1. Petit larceny.

2. Assault and battery not charged to have been committed upon a public officer in the discharge of his official duty, or with such intent as to render the same a felony.

3. Breaches of the peace, riots, affrays, committing willful injury to property and all misdemeanors punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

4. Of proceedings respecting vagrants, lewd or disorderly persons, and

5. Such other criminal jurisdiction as now is or may hereafter be conferred by law upon police courts, justices' courts, or justices of the peace.

SEC. 5. Procedure in the city police court, in both civil and criminal matters, shall be as it is, or may hereafter be prescribed by law for justices' courts. Procedure.

SEC. 6. The city police judge shall receive as compensation the same fees that now are or may hereafter be allowed to justices of the peace for similar services. Fees.

SEC. 7. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace residing in the city to act in his place and stead; or if there be no justice of the peace residing in the city, or, if all those so residing are likewise disqualified, then he may call in any justice of peace residing in the county. Disability of judge.

SEC. 8. Appeals may be taken to the superior court of the county from all judgments of said city police court in like manner and with the like effect as in cases of appeals from justices' courts. Appeals.

SEC. 9. All fines shall be paid into the city treasury. Fines

## ARTICLE V.

## POLICE DEPARTMENT.

**Chief of police.** SECTION 1. A police department is hereby created for the City of Watsonville. It shall consist of a chief of police who shall be elected at each general municipal election; he shall be ex officio tax and license collector.

**Additional police officers.** SEC. 2. The board of aldermen shall have power to appoint additional police officers who shall hold office during the pleasure of said board.

**Duties and powers of chief.** SEC. 3. The chief of police shall have command and control of the police force, subject to the general supervision of the mayor. He shall have the power to suspend any policeman for disobedience of any lawful order, for violation of any of the rules of the department, neglect of duty, drunkenness, or other misconduct as a policeman, and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the mayor, who shall forthwith report the same, in writing, to the board of aldermen, which board shall have jurisdiction to try and determine all charges against members of the police department.

**Same.** SEC. 4. The chief of police shall observe, and cause to be observed and enforced all laws and ordinances within the City of Watsonville, and see that all lawful orders and process of the board of aldermen and the police court within said city are promptly executed. For the purpose of suppressing any riot, public tumult, disturbances of the peace, unlawful assembling, organized resistance to the law or public authority in the performance of their duties, or the arrest of persons for public offense, he shall have all the powers that now are, or may hereafter be conferred upon sheriffs and all his lawful orders shall be promptly obeyed by the police officers. In addition to the powers and duties herein enumerated, the chief of police shall have such other powers and perform such other duties pertaining to the police department as may from time to time be conferred or imposed upon him by ordinance.

**Shall keep public office.** SEC. 5. The chief of police shall keep a public office, to be provided and furnished by the board of aldermen, which office shall be kept open day and night. The chief of police and all policemen shall devote their entire time to the discharge of their official duties, and shall not absent themselves from the city unless in pursuit of persons who have committed public offense within the limits of the city. If any member of the police department shall be absent from the City of Watsonville, upon any business not immediately connected with his duties in said department, unless granted leave of absence by the board of aldermen, he shall forfeit his salary for the time of such absence. Any policeman shall have the authority to execute the orders and process of the police court.

**Absence of any police officer.** SEC. 6. No person shall be appointed to any position on the police force of the City of Watsonville unless he shall be a man of good moral character, or good reputation for honesty and

**Qualifications of officers.**

sobriety, a citizen of the United States and a resident and elector of the City of Watsonville for at least two years next preceding his appointment; nor shall any person be so appointed who has ever been convicted of felony, or who is unable to understand English, read and write the English language, or who is deficient in health, strength or courage; and every appointee shall not be less than twenty-one years of age, and must, upon being appointed, but before entering upon the duties of his office, undergo such physical examination as the board of aldermen may from time to time prescribe.

SEC. 7. Except as otherwise in this charter prescribed, the board of aldermen, in making appointment of members of the police force, shall be guided solely by the fitness of the applicant and no person shall ever be appointed to or removed from such force for or on account of his political opinions. No member of the police force shall take any part whatever in any political caucus or political convention, or be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer or member of said department violating any of the provisions of this section shall be dismissed from the service of the city.

Offensive  
partisanship

SEC. 8. No member of the police force shall be allowed to receive any money, gratuity or compensation, other than his salary for any service which he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, and any member who shall violate this provision shall be dismissed from the department.

Gratuities  
forbidden.

SEC. 9. The members of the police force shall promptly and fully obey, enforce, observe and cause to be obeyed and observed all lawful orders of their superiors and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of nuisances, and in the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all the ordinances of the city and with the laws of the state defining public offenses and regulating criminal proceedings.

Officers to  
acquaint  
themselves  
with laws.

SEC. 10. The board of aldermen shall have the power, and it is hereby made their duty to, from time to time, prescribe such rules as they may deem necessary or proper for the regulation and government of the police department. Said board shall prescribe the badge of office, the uniform to be worn by the members of the force and make such other or further regulations regarding the conduct of police officers as it may think necessary.

Rules for  
government of  
department.

SEC. 11. In addition to the regular police force the mayor may, when in his judgment the circumstances require, appoint such number of special policemen as he may deem necessary for the safety of the city and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two

Special  
policemen.

weeks, and shall receive the same compensation and perform the same duties as regular police officers. The mayor may also, with the consent of the board of aldermen and upon the petition of any person, firm or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm or corporation as requires his services; *provided*, that the locality where such special policeman is to act shall be described in the warrant appointing him. All special policemen shall have the same power and discharge the same duties as regular police officers, be under the direction and control of the chief of police, and be subject to and obey all the rules and regulations of the police department.

Tax and  
license  
collector.

The chief of police as ex officio tax and license collector shall collect all taxes, general and special, all city licenses, and all other branches of the city's revenue and all money due or payable to said city for whatever cause or from whatever source. He shall at all times keep proper books showing in detail the amount of money received; by whom; at what time and for what purpose paid; and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by him for or on account of said city, for real property sold by him for delinquent taxes. All such books shall, at all times, when not in actual use, be open for public inspection. And he shall perform such other duties as may be required by this charter, the laws of this state and the ordinances of this city.

## ARTICLE VI.

### FIRE DEPARTMENT.

Fire de-  
partmen

SECTION 1. The board of aldermen are hereby authorized and directed to provide for the organization, maintenance and government of a fire department for the City of Watsonville.

## ARTICLE VII.

### HEALTH DEPARTMENT.

Board of  
health.

SECTION 1. There shall be a health department under the management of the board of health. Said board shall consist of five members, namely: The mayor, who shall be ex officio a member and president of said board, the city engineer, who shall be ex officio a member of said board, and three citizens who shall be appointed, without regard to their political opinions, by the mayor, within fifteen days after the commencement of his term of office. The mayor shall not have a right to vote unless in case of a tie. Each appointed member of the board shall be duly licensed physician in accordance with the laws of California, and a qualified elector of the city for two years immediately preceding his appointment; said member shall receive such compensation as the board of aldermen shall prescribe.

SEC. 2. The term of office for the members of the board shall be for two years and until their successors are appointed and qualified, said term to commence upon the day of their appointment; *provided* that those members first appointed shall so classify themselves by lot to allow that one of them shall go out of office at the end of one year and two at the end of two years. If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made for the unexpired portion of the term of said member. Regular meetings of the board of health shall be held once a month and special meetings when called by the president or any three members and all meetings shall be public. Three members shall constitute a quorum.

Term of office.

Meetings.

SEC. 3. Said board of health, subject to the ordinances of this city, shall have supervision of all matters pertaining to the sanitary condition of the city, and public institutions thereof. Full powers are hereby given to said board over all questions of foul or defective drainage and of the disinfection and sanitary cleaning of the streets, alleys, cellars, cesspools, sewers, nuisances of all description, and low places within the city limits calculated to receive and retain unhealthy deposits.

Powers.

SEC. 4. The board of health, within two weeks from the time of its organization shall elect from among its members a city physician, who shall also act as health officer and secretary of the board of health. Said city physician shall not be less than twenty-one years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city. He shall hold his office during the pleasure of the board of health, and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all records appertaining thereto, and by himself or deputy issue all permits for burial. He shall have the powers of a police officer and shall visit once in each quarter all public buildings and school houses in said city. During such visits, he shall examine the manner in which they are lighted, ventilated and heated, and particularly as to their sanitary condition. The health officer shall promptly report in writing to the superintendents or governing authorities of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious diseases. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick of any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician or from the health officer that there is no longer any danger from contagion. The health officer shall vaccinate free of charge all indigent persons who may apply to him. He shall make an extended annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics,

City physician.

Powers of police officer.

Free vaccination.

with such observations and other recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings and low places within the city limits with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

**Pest house.** SEC. 5. The board of health may cause to be removed to a smallpox hospital or pest house, any persons in said city affected with the smallpox, Asiatic cholera, bubonic plague, or yellow fever. When a case of either of these diseases exists in any house and the person so affected is not removed to said hospital or pest house, the health officer, upon order of said board of health, shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

**Quarantine.** SEC. 6. The board may proclaim such quarantines and declare such quarantine districts and grounds and the boundaries thereof as may in their judgment be necessary for the preservation of the public health.

**Mortuary provisions.** SEC. 7. No person shall deposit in any cemetery the body of any human being who has died within the city, or remove the same from within the limits of the city without having first obtained and filed with the health officer a certificate signed by a physician or coroner setting forth, as nearly as possible, the name, age, sex, color, place of birth, occupation, date and locality and cause of death of deceased, and obtain from the health officer a permit in writing therefor for the burial or other purposes. Physicians, when death occurs in their practice, must give the certificate herein mentioned unless the physician believes the death to be a proper case for investigation by the coroner. No body of a human being, who has died within or without the limits of the city, and no body or remains of a deceased person, exhumed or taken from any grave, vault or other place of burial, or deposit within or without the city, shall be transported in or through the streets or highways of the city unless the person or persons transporting such body or remains, shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains. The provisions of this section shall not be construed to apply to the transportation of bodies from other places on railroads through the city.

**Additional powers.** SEC. 8. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the board of aldermen or by general law. Every member of the board of health may administer oaths on matters connected with the health department.

## ARTICLE VIII.

## ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing officers of said city and for all other purposes are of two kinds: Elections.

First—General municipal elections.

Second—Special municipal elections.

SEC. 2. General municipal elections shall be held biennially, on the second Monday in May, commencing with the second Monday in May nineteen hundred and three. General elections.

SEC. 3. At each general election there shall be elected a mayor, four members of the board of aldermen (one from each ward), a city clerk (who shall be ex officio city auditor and city assessor), a city treasurer, a chief of police (who shall be ex officio tax and license collector), and a police judge. (At the first general election held under the provisions of this charter eight aldermen shall be elected—two from each ward.) Elective officers.

SEC. 4. The non-elective officers of said city shall consist of a city engineer (who shall be ex officio superintendent of streets and superintendent of sewers), and a city attorney, and such other officials as the board of aldermen may deem it expedient to appoint. Non-elective officers.

SEC. 5. Any person shall have the right to vote at any general or special municipal election who has the qualifications prescribed by law for an elector at general, state and county elections, and who shall be properly enrolled on the last printed great register of the county; any elector whose name is not upon such printed register shall be entitled to vote upon filing with the board of electors a certificate under the hand and seal of the county clerk showing that his name is registered and uncanceled upon the great register of the county; *provided*, he is otherwise entitled to vote. Qualifications of electors.

SEC. 6. All general and special municipal elections shall, in all respects as nearly as possible, be held and conducted in accordance with the provisions of the law of the state for the holding of general elections in effect at the time, and the board of aldermen shall make all necessary arrangements for holding said election in accordance therewith. General election laws to govern.

SEC. 7. The board of aldermen of said city shall, by ordinance, order the holding of elections. Such ordinance shall specify the objects, time of, and the place or places within each ward for holding such election, and the names of the election officers for each precinct to conduct such election. Said ordinance shall be published in some newspaper printed and published in said city, by at least three insertions before the time appointed for the holding of the election. Election ordinances

SEC. 8. Returns of all elections shall be made to the board of aldermen, who shall, within five days thereafter, either at a regular or special meeting, and in accordance with the laws of the state, canvass the returns, and declare the result thereof, Canvass of returns.



and order certificates of election to be issued by the city clerk to the persons so declared elected.

Term of office.

SEC. 9. The officers elected at a general municipal election, shall, after they have qualified as provided in this charter, enter upon the duties of their respective offices at the next Monday succeeding their election at 12 o'clock m., and shall hold office for the term of two years and until their successors are elected and qualified; *provided*, aldermen are to hold office for four years.

Precincts.

SEC. 10. In establishing election precincts, the board of aldermen shall make them correspond with the wards into which the city is divided; *provided*, that the board of aldermen may divide any ward into two or more precincts.

Certificate of election.

SEC. 11. The certificate of election issued by the city clerk must be authenticated with the seal of the city and attested by the city clerk.

## ARTICLE IX.

### TAXATION AND REVENUE.

Maximum rate of taxation.

SECTION 1. The board of aldermen shall have full power and authority to assess and levy and collect taxes upon all taxable property in the city; *provided*, the maximum rate of taxation, except as otherwise herein provided (for all municipal purposes) shall not exceed in any one year 85 cents upon each \$100.00 valuation of property assessed exclusive of the amount necessary to pay the principal and interest on the bonded indebtedness of the city. Said maximum rate of 85 cents shall include the library fund.

System for assessment to be provided.

SEC. 2. The board of aldermen shall have power and it is hereby made its duty to provide by ordinance a system for the assessment, equalization, levy and collection of all city taxes. All sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for state and county purposes. Said taxes so levied shall be a lien against the property assessed, and said lien shall attach as of the first Monday of March at 12 o'clock m. of each year. Every tax upon personal property shall be a lien upon the real property of the owner thereof.

Public utilities.

SEC. 3. Whenever the board of aldermen shall determine that the public interest requires the construction or acquisition or completion of any municipal improvement or public utility, the cost of which would be too great to be paid out of the ordinary income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement or public utility as set forth in said ordinance, and proceed therein as provided in section 18 of article XI of the constitution of the state, and the general law; *provided*, that such

indebtedness shall not bear more than five per cent interest per annum and that no bond issued therefor shall be sold for less than par value, and to the highest bidder, after advertising for sealed proposals.

## ARTICLE X.

## PUBLIC UTILITIES.

SECTION 1. The mayor and board of aldermen shall fix and determine annually just and reasonable rates of compensation to be collected by any person, firm, company or corporation, in the City of Watsonville for the use of water supplied to the city or the inhabitants thereof. To fix and determine annually just and reasonable rates of compensation to be collected by any person, firm, company or corporation in the City of Watsonville for lighting the streets, alleys, public buildings and public grounds of the City of Watsonville, or for furnishing lights to the inhabitants thereof.

Water rates.

Lights.

SEC. 2. The board of aldermen shall have power to construct, purchase, lease, own, acquire, control, maintain and operate a system for supplying the city and its inhabitants with water; also a system of lighting the streets, alleys, public buildings and public grounds, and to operate a system of lighting by artificial gas, natural gas, electricity or other means of illumination, and furnish the same to the inhabitants of said city; *provided, however,* no such construction, lease or purchase shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

City may acquire public utilities; when and how.

SEC. 3. The board of aldermen shall have power to determine and declare what are public uses and public utilities, when the necessity exists to condemn lands therefor and what land it is necessary to condemn; may construct, acquire, purchase, own, manage and operate any property that said mayor and board of aldermen may determine and declare to be a public use or public utility; may receive gifts, bequests and donations of all kinds of property within or without its corporate limits, in fee simple or in trust for charitable or other lawful purposes, and do all acts necessary to carry out the purpose of said gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

Same.

## ARTICLE XI.

## IMPROVEMENT OF STREETS.

SECTION 1. An act of the legislature of the State of California, entitled: "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, as since amended and as herein amended, is hereby adopted

Municipal street law adopted.

as part of this charter and shall have the same force and effect as if incorporated at length herein except where the provisions of said act conflict or are inconsistent with the provisions of this charter; and no repeal of said act shall affect its applicability to the City of Watsonville.

Streets  
may be  
improved  
by board of  
aldermen.

SEC. 2. The board of aldermen, with the approval of the mayor, may order any street, lane or alley to be improved in any manner provided for in the above-named act, whether a majority of the property owners whose property fronts on such street, alley or lane, desire said improvement or not; but no street, alley or lane may be so improved against the will of said property owners or the owners of a majority of the property fronting on said street, alley or lane where the cost of such improvement shall exceed one dollar per front foot for each side of said street, alley or lane.

Statute of  
1889, relat-  
ing to  
streets,  
made a  
part of  
charter.

SEC. 3. An act of the legislature of the State of California entitled "An act to provide for laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane, alley, court or place within municipalities and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, and any acts amendatory thereof or supplemental thereto now or hereafter made, are hereby adopted as a part of this charter and shall have the same force and effect as if incorporated at length herein, except where the provisions of said act or acts conflict or are inconsistent with the provisions of this charter; and no repeal of such act shall affect its applicability to the City of Watsonville.

## ARTICLE XII.

### PARKS.

Parks.

The board of aldermen are hereby authorized and directed to provide for the maintenance of public parks.

## ARTICLE XIII.

### LIBRARY.

Public  
library.

SECTION 1. The board of aldermen shall have the power to create and maintain a library to be known as the City of Watsonville public library, which shall be free of access to all citizens and residents of the City of Watsonville, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the board of directors of said library, hereinafter provided. All persons outside the city limits shall have access to the library under such regulations and upon paying such sums as the board of aldermen may determine.

Tax levy,  
limitation  
of.

SEC. 2. The board of directors shall determine annually the amount of money required for the support and maintenance of the public library and for the carrying into effect all

the provisions of law in reference thereto, and shall submit in writing to the board of aldermen a careful estimate of all the money required from the city for the above purposes, and the aldermen may each year fix a sufficient percentage of taxes to be levied and collected on the taxable property in the City of Watsonville, not to exceed ten cents on each one hundred dollars of the value of all real and personal property of said city as assessed for city purposes, for the purpose of establishing and maintaining said library and purchasing or leasing such real or personal property, books, papers, publications, furniture, and fixtures and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year, provided this limitation shall not be construed to prevent the incurring of permanent improvements to be liquidated by the process of municipal bonds issued by the City of Watsonville in accordance with the general laws of the state for the purpose of defraying the cost of such improvement.

SEC. 3. The mayor, by and with the consent of the board of aldermen, shall appoint a board of not less than three or more than five directors for said library, who shall serve without compensation and be known as the "Board of Directors of the City of Watsonville Public Library," and shall be chosen from the citizens at large, male or female. Such directors shall hold office for two years; and thereafter the mayor, by and with the consent of the board of aldermen, shall appoint, as before, directors to take the place of the retiring directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the mayor, by and with the consent of the board of aldermen, for the balance of the unfinished term.

Board of directors.

SEC. 4. Said directors shall, immediately after appointment, meet and organize by electing a president from one of their own number. The librarian shall be clerk of the board and shall keep a record of their proceedings.

Organization.

SEC. 5. The board of directors shall have the power to make and enforce such by-laws, rules and regulations as may be necessary for the administration, government and protection of such library, reading room and property, to appoint a librarian and necessary assistants and to fix their salaries, subject to the approval of the mayor, and board of aldermen, and to remove them; to control and order expenditures of all moneys at any time in the library fund and order the drawing and payment of all moneys, except for salaries, of said fund for such expenditures and liabilities as herein authorized.

By-laws, etc., for government of library.

SEC. 6. The board may exclude from the use of such library and reading room any and all persons who shall violate the rules and regulations of the board.

Violation of rules.

SEC. 7. The board of aldermen shall have the power to pass ordinances imposing punishment of persons committing injury upon such library or the grounds, or the property therein and for injury to or failure to return any book belonging to such library.

Injury to library.

## ARTICLE XIV.

## FRANCHISES.

- Franchises** SECTION 1. No exclusive franchise or privilege and no special privilege shall be granted for any purpose.
- Applica-  
tion for  
franchise;  
conditions  
of.** SEC. 2. No application for a franchise shall be considered by the board of aldermen unless the application shall be accompanied with the sum of three hundred dollars, which sum shall be returned to the applicant in the event that the board of aldermen shall determine that neither the public necessity nor the public interest requires the granting of the franchise. If, however, the board of aldermen shall determine that the public necessity or the public interest requires the granting of the franchise, then the said sum of three hundred dollars shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of such franchise and the granting of the same.
- Restrictions.** SEC. 3. In granting a franchise the board of aldermen shall impose such lawful conditions, restrictions and limitations as may best subserve the public interest and welfare.
- General  
laws to  
govern.** SEC. 4. In granting of franchises the board of aldermen shall be governed by the general law of the state in force at the time, which is hereby declared to be, and is hereby made, a part of this charter so far as it is or may be applicable to the class of cities to which this municipality may belong.

## ARTICLE XV.

## MISCELLANEOUS.

- Oath of  
office.** SECTION 1. All officers of the City of Watsonville, whether elected or appointed, shall within ten days after notice of their election or appointment, take and subscribe the following oath of office, which shall be filed with the city clerk:
- "I, (here insert name) do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will perform the duties of the office of (here insert name of office) as prescribed by law, to the best of my ability. So help me God."
- Fiscal year.** SEC. 2. The fiscal year of the City of Watsonville shall commence on the first day of July of each year and end on the last day of June of the succeeding year.
- Amend-  
ments to  
charter;  
election for** SEC. 3. Whenever there shall be presented to the board of aldermen a petition signed by qualified electors of the city whose names appear on the last printed great register, equal in number to twenty-five (25) per centum of the votes cast in the city at the last preceding general municipal election, asking that an amendment or amendments to this charter to be set out in such petition, be submitted to the electors, the board of aldermen must, by ordinance, submit the same to the qualified electors of the city at the next general or special election held at least forty days after the publication of such proposed

amendment or amendments for at least three insertions in some newspaper of general circulation in the city. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number, one of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements made therein are true, and that each signature of such paper appended is the genuine signature of the person whose name purports to be thereto subscribed. The board of aldermen must make all necessary provision for submitting the proposed amendment or amendments to the electors, and shall canvass the vote in the same manner as in other cases of election. The tickets at such election shall contain the words: "For the amendment" (stating the nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If three fifths of the qualified electors voting upon such amendment or amendments, shall be in favor of the adoption thereof, the board of aldermen shall within thirty days after the time of such election proclaim such fact, and upon the same being approved by the legislature in the manner now provided for the approval of this charter, the same shall be amended accordingly.

SEC. 4. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof in their official capacity, or in doing any work or furnishing any supplies for the use of such city, or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any officer is interested, shall be void, and if audited and allowed shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Officers not to be interested in contracts.

SEC. 5. If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty-five days without the consent of the board of aldermen, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than thirty-five days without the consent of the board of aldermen, his office shall thereupon be declared vacant by the board of aldermen, if the office is an elective one, and by the mayor, if the office is an appointive one; and the vacancy shall thereupon be filled by the board of aldermen if the office is an elective one, and by the mayor, with the approval of the board of aldermen, if the office be an appointive one, unless otherwise provided for in this charter.

Vacancy in office; when to be declared.

SEC. 6. This charter shall take effect at the hour of 12 M. on Monday, May 18th, 1903.

When charter in effect.

**First election.** SEC. 7. The board of trustees of the present City of Watsonville shall provide for the holding of the first election of officers under this charter, which said election, if possible, shall be held on Monday, May 11th, 1903.

**General laws, when part of charter.** SEC. 8. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time are hereby declared to be, and shall be, a part of this charter, so far as the same are or may be applicable to the class of cities to which this municipality may belong.

**Demands.** SEC. 9. All demands against the city shall be presented to and audited by the board of aldermen, in accordance with such regulations as they may, by ordinance, prescribe.

**Board of equalization.** SEC. 10. The board of aldermen shall meet at their usual place of holding meetings on the second Monday of August of each year, at 10 o'clock A. M., and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, and strike out any assessment made by the assessor and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which tax is to be levied in said year. In case there are no bidders for property sold for delinquent city taxes, the same shall be sold to the city.

**Official bonds.** SEC. 11. All officers designated by the board of aldermen shall, respectively, before entering upon the duties of their respective offices, each execute a bond to the city in such penal sum as the board of aldermen may determine, conditioned for the faithful performance of duties, including in the same bond the duties of all ex officio offices. All bonds when approved by the board of aldermen shall be filed with the clerk; except the bond of the clerk which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided.

SEC. 12. All elective officers of the city shall be qualified electors of the city at the time of their election.

### CERTIFICATE.

**Certificate of freeholders.**

BE IT KNOWN that the City of Watsonville, a city containing a population of more than three thousand five hundred inhabitants, on the fifteenth day of April, one thousand nine hundred and two, at a special municipal election, held on that day, and under and in accordance with the provisions of section 8 of article XI of the Constitution of the State of California, did elect a board of fifteen freeholders to prepare and propose a charter for said city; and that we, members of said board, in pursuance of said provisions of the constitution, and

within the period of ninety days after such election, have prepared and do propose the foregoing, consisting of fifteen articles, as and for the charter of the City of Watsonville.

IN WITNESS WHEREOF we have hereunto set our hands this 10th day of July, in the year of our Lord one thousand nine hundred and two.

(Done in duplicate.)

EDWARD FRANCIS WYCKOFF, President,  
JOHN JACOB MOREY,  
NAT GREEN,  
WILLIAM HENRY WEEKS,  
OTTO DOMONICK STOESSER,  
FREDERICK PETERSON KROUGH,  
JOHN PETER KNUDSEN,  
WILLIAM HENRY PAWLEY HILL,  
JAMES SIDNEY MENASCO,  
HENRY CLARK PECKHAM,  
CHESLEY STOW,  
OWEN SUMMERFIELD TUTTLE,  
CHARLES SMITH,  
EDWARD McCABE, Secretary.

THE OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES  
OF THE CITY OF WATSONVILLE.

In the City of Watsonville,  
County of Santa Cruz, State of California. }

I, W. A. Trafton, president of the board of trustees of the City of Watsonville, County of Santa Cruz, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were, on the fifteenth day of April, 1902, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the constitution of this state; that such proposed charter was then published in one daily newspaper of general circulation in said city to wit: The Watsonville Daily Register (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said section eight, to wit: on the thirtieth day of August, 1902, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said

Certificate  
of president  
of board of  
trustees.



proposed charter. That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city and that the returns of said election were duly canvassed by the board of trustees of said City of Watsonville on the second day of September, 1902, and the result thereof declared as above set forth and that in all manners and things pertaining to said proposed charter the provisions of said section have been fully complied with.

In witness whereof I have hereunto set my hand and affixed the corporate seal of said city this 5th day of January, 1903.

{CORPORATE}  
{SEAL.}

W. A. TRAFTON,  
President of the board of trustees  
of the City of Watsonville.

Attest: S. W. COFFMAN, City Clerk.

Approval  
of legisla-  
ture.

Now, therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring* (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Watsonville as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of Watsonville aforesaid.

## CHAPTER XIX.

*Assembly Joint Resolution No. 3, relative to the House of Representatives Bill No. 14,443, pertaining to a national conservatory of music and art.*

[Adopted February 19, 1903.]

Favoring  
national  
conserva-  
tory of  
music.

WHEREAS, A bill (H. R. 14,443) has been introduced in both houses of congress for the establishment of a national conservatory of music and art at the national capital at Washington, D. C., with subsidiary branches in the cities of San Francisco, Chicago and New York; and

WHEREAS, The establishment of such a conservatory is of vital importance to the future welfare of the youth of America; therefore be it

*Resolved*, That we, the members of the legislature of the State of California, in body assembled, do hereby memorialize and request our representatives in congress to urge upon their respective houses of congress the advancement, promotion and passage of the bill now before their respective bodies for the establishment of a national conservatory of music and art by the national government, and further that a copy of this memorial be forwarded to each and every representative in congress and to the senators of the United States.

## CHAPTER XX.

*Assembly Concurrent Resolution No. 8, relative to the appropriate observance of the anniversary of Washington's birthday.*

[Adopted February 20, 1903.]

*Resolved by the assembly, the senate concurring,* That the senate and assembly meet in joint session in the assembly chamber at eight o'clock p. m. February 23rd for the purpose of appropriately observing the anniversary of Washington's birthday; and be it further

Observance of Washington's birthday.

*Resolved,* That a committee of three members of the assembly be appointed to confer with a like committee from the senate and arrange a programme of exercises, said committees to be appointed by the speaker of the assembly and president of the senate respectively. Any expenses to be paid equally by the assembly and senate out of their contingent funds. Said expense not to exceed one hundred dollars in the aggregate.

## CHAPTER XXI.

*Substitute for Senate Concurrent Resolution No. 6, relative to appointment of committee to receive the President of the United States upon his visit to California.*

[Adopted February 23, 1903.]

WHEREAS, The President of the United States, Theodore Roosevelt, intends visiting the State of California during the month of April of this year; and

Legislative committee to receive the President of the United States.

WHEREAS, It is fitting and proper that the State of California should extend a proper official welcome to him and his party; therefore, be it

*Resolved by the senate, the assembly concurring,* That a committee of fifteen members of the legislature, to consist of the president and the president pro tempore and five members of the senate to be appointed by the president of the senate; the speaker and speaker pro tempore of the assembly, and six members of the assembly to be appointed by the speaker of the assembly, be named to act as a joint committee of the legislature to receive the President of the United States and those who will accompany him, when they shall reach the state line on their entrance into the State of California, in order to extend to the distinguished visitors proper official welcome. The sum of three thousand dollars or so much as may be necessary, is hereby appropriated, one half from the contingent fund of the senate and one half from the contingent fund of the assembly, for defraying the expense of such reception, the funds to be expended as in the judgment of the joint committee may be deemed proper and necessary.

## CHAPTER XXII.

*Senate Joint Resolution No. 13, relative to the proposed transfer to Washington by the secretary of the interior of the old and valuable Spanish archives of California.*

[Adopted February 23, 1903.]

Protest  
against  
removal of  
Spanish  
archives.

WHEREAS, An order has been issued by the secretary of the interior to remove from California to Washington the old Spanish archives now in the possession of the surveyor-general; and

WHEREAS, These valuable old archives, comprising three hundred and two bound volumes, embrace the records of the Spanish land grants, military reports, old mission records, and other valuable documents bearing upon the early history of this state; therefore be it

*Resolved*, That the people of the State of California, represented in senate and assembly, protest against this proposed transfer; and be it further

*Resolved*, That the secretary of the senate be and he is hereby instructed to transmit a copy of these resolutions, by telegraph, to the secretary of the interior.

## CHAPTER XXIII.

*Senate Joint Resolution No. 14, relative to appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission.*

[Adopted February 23, 1903.]

Recom-  
mending  
Hon. Ches-  
ter Rowell  
to appoint-  
ment on  
Isthmian  
Canal  
Commis-  
sion.

WHEREAS, The President of the United States will appoint a commission to be known as the Isthmian Canal Commission; and

WHEREAS, The legislature of the State of California believes that in the appointment of Honorable Chester Rowell, as a member of said commission, it would be an appointment most satisfactory to all classes of people in California; therefore, be it

*Resolved by the Senate and Assembly, jointly*, That the following recommendation and resolution be adopted:

*To the President of the United States, Washington, D. C.:*

The legislature of California, by this joint resolution, recommends the appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission. His high standing in the medical profession, his long and honorable career in public life, his wide knowledge of men and affairs, and reputation for integrity would make his appointment a compliment to the state and a guarantee of usefulness on the commission.

*Resolved*, That this recommendation, when signed by the Governor, Lieutenant-Governor, and Speaker of the Assembly, be forwarded by telegraph to the President.

## CHAPTER XXIV.

*Senate Joint Resolution No. 8—Resolution relating to the purchasing and making free, by the United States government, of the toll roads over the Yosemite National Park, in the State of California.*

[Adopted February 26, 1903.]

WHEREAS, The State of California did, in the years eighteen hundred and eighty-five and eighteen hundred and eighty-nine, purchase and make free the portions of those certain three toll roads lying within the bounds of the grant of the Yosemite Valley (containing about thirty-six thousand acres), made to the State of California by act of congress, passed June thirtieth, eighteen hundred and sixty-four, said roads having been built into and over said grant by permission of the State of California, and the commissioners to manage said park, provided by said act of congress; Preamble.

AND WHEREAS, The congress of the United States did, on October first, eighteen hundred and ninety, pass an act establishing the Yosemite National Park, containing about one million acres, in the center of which the said original Yosemite Valley grant lies, but did not provide for the making free of the said three toll roads which pass over said national park and into said Yosemite Valley, or for the making free of that certain fourth toll road which passes through said park, but not into said Yosemite Valley;

AND WHEREAS, The Yosemite National Park is visited annually by many thousands of Californians and others, and it is a matter of great importance to the people of the United States and particularly to the people of the State of California that these toll roads should be made free by the national government, and the anomaly of paying tolls in a people's park be done away with;

AND WHEREAS, Congress has appropriated for the Yellowstone National Park over \$1,100,000, of which the sum of \$257,800 was appropriated at the last session of the present congress, and has appropriated many hundreds of thousands of dollars for other national parks, but only the sum of \$22,000 for the Yosemite National Park;

AND WHEREAS, At the 56th session of congress a special commission was created to examine and report upon the feasibility of acquiring the four toll roads in and about said park, and for the construction of other necessary new roads within said park;

AND WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor, and did recommend that the said four toll roads be purchased at the price of \$208,750, before the national government construct any new roads; therefore be it

*Resolved by the senate and assembly, jointly,* That the same policy which induced the State of California to buy and make free the toll roads and trails in the California Yosemite Valley Favoring  
free roads  
in Yosemite  
National  
Park.

grant should also influence the national government to buy and make free the toll roads which traverse the Yosemite National Park; and that our senators in congress be instructed, and our representatives be requested and urged, to take such action as shall result in the securing of proper appropriations at the present session of congress, in accordance with the report of said commission, for the purchase of these roads, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

*Resolved further*, That the chief clerk of the assembly be instructed to transmit by mail a copy of this resolution to the president of the senate and to the speaker of the house of representatives of the United States of America, and to each senator and representative of the State of California at Washington, D. C.

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## CHAPTER XXV.

*Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto to be numbered section 10½, in relation to revenue and taxation.*

[Adopted February 26, 1903.]

*Resolved by the assembly, the senate concurring*, That the legislature of the State of California, at its regular session, commencing on the fifth day of January, anno domini one thousand nine hundred and three, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that article thirteen of the Constitution of the State of California be amended by adding a new section thereto to be numbered section 10½, to read as follows:

Section 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation.

Personal  
property  
exempt  
from  
taxation.

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## CHAPTER XXVI.

*Assembly Joint Resolution No. 8, relative to requesting congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States senators by the direct vote of the people.*

[Adopted February 27, 1903.]

WHEREAS, A large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States senators by popular vote; and,

WHEREAS, The national house of representatives has on four separate occasions within recent years adopted resolutions in favor of the proposed change in the method of electing United States senators, which were not adopted by the senate; and,

WHEREAS, Article five of the Constitution of the United States provides that congress, on the application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of California that the United States senators should be elected by a direct vote of the people; therefore, be it

*Resolved*, That the legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of United States senators by popular vote, and joins with other states of the union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in article five of the said Constitution, which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each state by a direct vote of the people, and the request of and consent to, the calling and holding of such convention, as hereby made and given, is limited to the consideration and adoption of such amendment to said Constitution as herein mentioned and no other.

Favoring  
election of  
United  
States  
Senators  
by popular  
vote.

*Resolved*, That a copy of this concurrent resolution and application to congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the president of the United States senate and the speaker of the house of representatives.

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## CHAPTER XXVII.

*Assembly Joint Resolution No. 14, memorializing our senators and representatives in congress to secure a reconsideration of the order of the federal authorities, transferring the Spanish archives from San Francisco to Washington, and to secure if possible, the transfer of said archives to the State of California.*

[Adopted February 27, 1903.]

WHEREAS, The secretary of the interior, through the U. S. land commission at Washington, has directed the U. S. surveyor-general at San Francisco to transfer the "Spanish Archives" from San Francisco to Washington, and,

WHEREAS, These archives embrace the records of the Spanish land grants which form the basis of most of the California land titles, military reports, records of the early missions, proceedings of the alcalde courts, and a vast number of valuable manuscripts bearing upon the government and the people of early California under Spanish and Mexican rule, dating back

to 1769, and are now, and have been long an element in important litigation in California, and,

WHEREAS, Congress by the act of May 18, 1858, recognized the local importance of the archives by placing the books and manuscripts in charge the federal office for the district of California, and

WHEREAS, By reason of the importance of these books and documents in relation to the land titles of the State of California; by reason of the hardship that will result in many land matters in causing litigants and attorneys to go to Washington; and by reason of their peculiar historical and literary value it is inexpedient and unwise to have the same transferred as contemplated, be it

Protest  
against  
removing  
Spanish  
archives  
from San  
Francisco.

*Resolved*, That the legislature of California request the authorities at Washington to reconsider their action in ordering the transfer of the Spanish archives from San Francisco to Washington, and further requests the senators and representatives in congress from California to use their best endeavors to secure such reconsideration.

*Resolved further*, That we urge said senators and representatives to secure an actual transfer of said Spanish archives from the national government to the State of California to the end that the same may be deposited in either the state library at Sacramento or in the library of the University of California at Berkeley, and thus retain their proper relation to the State of California.

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## CHAPTER XXVIII.

*Senate Concurrent Resolution No. 16, approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903.*

[Adopted March 3, 1903.]

Preamble.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on Monday, November second, eighteen hundred and ninety-six, in accordance with law and the provisions of section eight of article eleven of the constitution of said state, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was on January second, eighteen hundred and ninety-seven, signed in duplicate by all the members

of said board of fifteen freeholders, and was on said last named day returned, one copy thereof to the mayor of said city, and the other to the county recorder of Santa Clara County; and Preamble.

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January second, eighteen hundred and ninety-seven; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: The Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February twenty-third, eighteen hundred and ninety-seven; and

WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José, at a meeting held on Wednesday, February twenty-fourth, eighteen hundred and ninety-seven (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said charter was afterwards submitted to the legislature of the State of California, for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of said state; and

WHEREAS, On the fifth day of March, eighteen hundred and ninety-seven, by concurrent resolution of the senate and assembly of the said legislature (a majority of all the members of each house voting for and concurring therein), the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the County Recorder of the County of Santa Clara, State of California, on the twenty-fourth day of March, eighteen hundred and ninety-seven, and was, after being so recorded deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved, has not been amended within two years from the date hereof; and

WHEREAS, The Mayor and Common Council, being the legislative authority of said city, by ordinance duly and regularly passed by said Common Council in accordance with law and



Preamble. with the provisions of said charter on the fifteenth day of December, nineteen hundred and two, and approved by the Mayor of said city on the fifteenth day of December, nineteen hundred and two, did, in accordance with the provisions of section eight, of article eleven of the constitution of the State of California, propose to the qualified electors of said city of San José, certain amendments to the said charter of said city, said amendments being two in number; and

WHEREAS, Said ordinance so passed and approved as aforesaid, called a special election to be held on Wednesday, the eighteenth day of February, nineteen hundred and three, for the purpose of submitting, and submitting to the qualified electors of said city said proposed amendments to said charter; and

WHEREAS, Said ordinance containing said proposed amendments to said charter was, in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for twenty days, after its passage and approval, in the Evening News, a daily newspaper published and of general circulation in the said City of San José; and

WHEREAS, Said special election was held in the said City of San José on Wednesday, the eighteenth day of February, nineteen hundred and three, which day was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and

WHEREAS, On the twentieth day of February, nineteen hundred and three, at a meeting duly convened in accordance with law and with the provisions of said charter, the Mayor and Common Council of the City of San José, duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the eighteenth day of February, nineteen hundred and three, one of said proposed amendments was ratified by more than a majority of the votes of the qualified electors voting thereat, and one of said proposed amendments received less than a majority of the votes of said qualified electors; and

WHEREAS, Said Mayor and Common Council after canvassing said returns, duly found and declared that one of said proposed amendments had been ratified by a vote of more than a majority of the qualified electors voting at said election, and that one of said proposed amendments had received less than a majority vote of said qualified electors; and

WHEREAS, The said proposed amendment so ratified by the electors of said city at such election is now submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, The said amendment to said charter so ratified by more than a majority of the votes of the qualified electors of the City of San José voting at said election is in words and figures as follows to wit:

AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSÉ, RATIFIED BY THE VOTES OF MORE THAN A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY, NINETEEN HUNDRED AND THREE.

That section thirteen of chapter three of article five of said charter is hereby amended to read as follows:

Section 13. Out of the General Fund shall be paid all claims not provided to be paid out of any other specific fund, *provided however* that the Mayor and Common Council may apportion any surplus moneys in the General Fund to any other specific fund whenever in their judgment the public interests will be subserved by such apportionment. Apportionment of surplus moneys.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, }  
CITY OF SAN JOSÉ. } ss.

This is to certify that we, G. D. Worswick, Mayor of the City of San José, and Jos. A. Belloli, Jr., City Clerk of the said City of San José, have compared the foregoing proposed and ratified amendment to the charter of the said City of San José with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose on Wednesday, the eighteenth day of February, nineteen hundred and three, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter, are and each of them is true. Certificate of mayor and clerk.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of San José, this twenty-fourth day of February, nineteen hundred and three.

G. D. WORSWICK,  
Mayor of the City of San José

JOS. A. BELLOLI JR.,  
City Clerk of the City of San José.

[SEAL.]

Now therefore, be it

*Resolved by the senate of the State of California, the assembly concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said amendment to the charter of the City of San José, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of the said City of San José. Approval by legislature.

## CHAPTER XXIX.

*Senate Joint Resolution No. 11, memorializing congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal groves of the California Sequoia gigantea in Calaveras and Tuolumne counties.*

[Adopted March 4, 1903.]

Memorializing congress to purchase big tree groves.

WHEREAS, The California Sequoia gigantea are the amazement and admiration of the world, their prototypes in grandeur, size or beauty not existing elsewhere; and

WHEREAS, There is now pending in congress house bill No. 11,538, designated to set aside and preserve as a national park, two of the most notable of these groves in Calaveras and Tuolumne counties; therefore be it

*Resolved*, That the people of California represented in senate and assembly, do hereby memorialize and petition the congress of the United States, before the expiration of the present session, to consider this bill of so very considerable importance to the people of this state; and be it further

*Resolved*, That the secretary of the senate be, and he is hereby instructed to transmit a copy of this resolution by telegraph to the speaker of the house of representatives.

## CHAPTER XXX.

*Senate Concurrent Resolution No. 15, relative to the consent of the legislature to absence from the state of State Senator C. W. Pendleton for a period not to exceed six months.*

[Adopted March 5, 1903.]

Leave of absence for Senator C. W. Pendleton.

*Resolved by the senate, the assembly concurring*, That the legislature of the State of California has consented, and does hereby consent, that State Senator C. W. Pendleton of the thirty-eighth senatorial district, may depart from the State of California at any time during the remainder of his official term as state senator, and remain absent from the State of California for a period not to exceed six months from and immediately succeeding the time of his departure.

## CHAPTER XXXI.

*Assembly Concurrent Resolution No. 9, approving twelve amendments to the charter of the City of Napa, a municipal corporation, in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 16th day of February, 1903.*

[Adopted March 6, 1903.]

WHEREAS, The City of Napa, in the County of Napa, State of California, contains a population of over 3500 and less than 30,000 inhabitants and has been ever since the year 1893 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article 11 of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 9th day of March, 1893 and approved by the Legislature of the State of California on the 13th day of March, 1893, (Statutes of 1893, page 641,) which charter has never been amended; Preamble.

AND WHEREAS, The Legislative authority of the said City of Napa did by Ordinance No. 328 of the Ordinance of said City adopted by the City Council of the said City on the first day of December, A. D. 1902 and approved by the Mayor of said City on the said first day of December A. D. 1902 and pursuant to Section 8 of Article 11 of the Constitution of the State of California duly proposed to the qualified electors of the said City eighteen certain amendments to the charter of the said City of Napa;

AND WHEREAS, Said Ordinance contained said proposed amendments to the said charter was duly published for twenty days after its passage and approval in the Napa Daily Journal and in the Napa Daily Register, daily newspapers of general circulation in the City of Napa;

AND WHEREAS, Said special election was held in the said City of Napa on Monday the 16th day of February, A. D. 1903, which day was more than forty days after said proposed amendments had been published for twenty days, as aforesaid;

AND WHEREAS, On the 17th day of February, 1903 at a meeting of the said Council, duly convened in accordance with law and with the provisions of said charter, and Mayor and Council of the said City of Napa duly and regularly canvassed the returns of said special election so held on the 16th day of February, 1903; twelve of said proposed amendments were ratified by a majority of the electors voting thereon, and six of said proposed amendments were not ratified having received less than a majority of the electors voting thereon;

AND WHEREAS, Said Mayor and said Council after canvassing said returns duly found and declared that twelve of said proposed amendments had been ratified by a majority of the

electors voting thereon, and six of said proposed amendments had received less than a majority of the electors voting thereon;

AND WHEREAS, The said twelve proposed amendments so ratified by the electors of said City at said election are now submitted to the Legislature of the State of California for approval, or rejection without power of alteration, in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California;

AND WHEREAS, The said twelve amendments to said charter so ratified by a majority of the electors voting thereon at said election, are in words and figures as follows, to wit:

SECTION 1. That Section 1 of said charter be amended so as to read as follows:

Corporate  
name and  
powers.

Section 1. The corporation now existing and known as the City of Napa, shall continue and be a body politic and corporate and by that name shall be known and have perpetual succession to sue and defend in all matters, suits and proceedings, in all Courts and places and in all matters and proceedings whatever; to make contracts; and may purchase, take, receive, hold and lease real and personal property within and without its corporate limits, for the use of said corporation; and may lease, sell, convey, mortgage and dispose of the same; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor and what are the lands it is necessary to condemn; and may receive bequests, gifts and donations of all kinds of property within and without the City, in fee simple or in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of the gift, bequest, donation or trust, and may adopt and use a corporate seal and alter the same at pleasure.

Prior hold-  
ings con-  
tinued.

The City of Napa shall continue to have, hold and enjoy all public buildings belonging to the City of Napa, all lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and in action, of every nature and description.

SEC. 2. That Section Five of the said Charter be amended so as to read as follows:

Officers;  
election  
and terms.

Section 5. The officers of said City shall be a Mayor, who shall hold office for four years and until his successor is elected and qualified; a City Council, composed of five members who shall hold office for four years and until their successors are elected and qualified; a City Marshal; a City Treasurer; a City Assessor; a City Tax Collector; a City Clerk; a City Attorney; a City Auditor; a City Engineer, and a City Superintendent of Streets, all of whom shall hold office for four years and until their successors are elected or appointed and qualified. An election shall be held every two years, by the qualified electors of the City, on the first Monday in May, for the election of two or three members of the City Council, and every four years by the qualified electors of the City, on the first Monday in May,

for the election of a Mayor, an Engineer, who shall be ex-officio Superintendent of Streets; a City Clerk, who shall be ex-officio Treasurer and Tax Collector; a Marshal, who shall be ex-officio Assessor and License Tax Collector, and a City Attorney who shall be ex-officio City Auditor.

SEC. 3. That Section Six of the said Charter be amended so as to read as follows:

Section 6. The first election under this Charter shall be held on the first Monday in May, 1893, at which time a full Council shall be elected, two of whom shall hold office until the first Monday in June, 1895, and until their successors are elected and qualified; and three of whom shall hold office until the first Monday in June, 1897, and until their successors are elected and qualified; and the Council so elected at said first election shall decide by lot the two members that shall hold office until the first Monday in June, 1895, and they shall also decide by lot the three that shall hold office until the first Monday in June, 1897. All officers shall take office at 12 o'clock noon, on the first Monday in June next after their election or appointment except where an officer is elected or appointed to fill a vacancy, in which event he shall take office immediately upon qualifying.

First election.

SEC. 4. That Section Seven of the said Charter be amended so as to read as follows:

Section 7. The provisions of the general law of the State of California now in force or hereafter adopted, governing municipal elections, where the same are held separate from the general State and County elections are hereby adopted as the law governing City elections; and the provisions of the general laws of the State of California governing the elections for State and County officers, not inconsistent with the provisions of this Charter or said law governing municipal elections, shall govern City elections in matters for which no provision is made in this Charter or said Municipal Elections Law, and the City Council and City Clerk respectively shall exercise the powers conferred or imposed by such laws on Boards of Supervisors and County Clerks, concerning elections.

General laws to govern elections.

The Mayor shall give such notice of election as may be prescribed by ordinance.

Notice of election.

The City Council shall appoint Boards of Election, fix their compensation and establish and change polling places.

Boards of election.

The City Council, by ordinance, shall establish and may change Election Precincts providing no part of any ward shall be attached to any other ward, or part thereof, in establishing or changing election precincts.

Precincts.

Every person who was a qualified elector at the general State election immediately preceding the holding of any municipal election, and who was registered upon the Great Register of the County of Napa as a qualified elector of any one of the precincts which compose a municipal election precinct, and who continues to reside within the exterior boundaries of such municipal election precinct, until the time of the holding of said municipal election, shall be entitled to vote at said municipal election

Qualifications of electors.

without other or additional registration. All other persons claiming the right to vote at such municipal election must be registered upon the Great Register of the County of Napa as an elector of and within one of the election precincts comprising the municipal election precinct wherein he claims the right to vote, at least ten days prior to such municipal election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding such municipal election and for thirty days immediately prior thereto.

Evidence  
of right to  
vote.

At all municipal elections the legal evidence of the right to vote prescribed by law for use at State and County or such municipal elections, shall be used, and any elector legally entitled to vote at any such municipal election, whose name does not appear therein, or in case no other legal evidence is provided therefor, shall be entitled to vote upon producing and filing with the Board of Election a certificate under the hand and seal of the County Clerk of the County of Napa, showing that his name was registered upon the Great Register of the County of Napa at least ten days prior to such election, as a qualified elector of any of the precincts comprising any municipal election precinct, and remains uncanceled thereon, providing he is otherwise entitled to vote.

Election  
returns.

The election returns from each municipal election precinct shall be filed with the City Clerk. At the next regular meeting succeeding any municipal election the Mayor and City Council shall canvass the returns and declare the result of such election, and direct the City Clerk to issue certificates of election accordingly.

SEC. 5. That Section Eight of the said Charter be amended so as to read as follows:

Eligibility  
to office.

Section 8. No person shall be eligible to hold any office in the City of Napa, whether filled by election or appointment, unless he is a resident and elector therein, and shall have resided in such City for one year next preceding the date of such election or appointment. And no person shall be eligible to the office of Councilman, who has not resided in such City for one year and in the ward from which he is selected at least six months next preceding his election, and he must continue a resident of such ward during the term of his office, and if he fail to so continue a resident of such ward his office shall, by reason thereof, immediately become vacant.

Vacancies.

Any vacancy occurring in any of the offices provided for in this Charter shall be filled by appointment by the City Council, but if such office be elective, such appointee shall hold office only until the next regular municipal election, at which time a person shall be elected to serve for the remainder of such unexpired term.

Power to  
administer  
oaths.

Each and every officer of the City of Napa shall have power to administer oaths and affirmations relating to any business brought before the City Council, Board of Equalization, Board of Library Trustees, Board of Health, or under consideration by their respective departments.

Settlement  
for moneys

Every officer collecting or receiving any money belonging to

or for the use of the City of Napa, shall settle for the same with the City Auditor on or before the first Monday in each month, and shall immediately thereafter pay the same into the Treasury on the order of the City Auditor for the benefit of the funds to which such moneys respectively belong.

SEC. 6. That Section Nine of the said Charter be amended so as to read as follows:

Section 9. The Mayor and City Council may for cause remove any officer of the City. In any case of removal for cause of any officer, charges and specifications in writing shall be filed with the City Clerk, and a true and correct copy of such charges and specifications shall be forthwith served on the accused, who shall have the right to be heard in his own defense with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. In all such cases the charges and specifications must have been served upon the accused at least five days prior to the hearing thereof. When a judgment either sustaining the charges or dismissing them shall be rendered by the City Council, and approved by the Mayor, it shall be final and conclusive.

Officers  
may be  
removed  
for cause.

Any elective officer, except members of the City Council, may be suspended by the Mayor, and removed for cause by the Mayor and City Council for neglect of duty or malfeasance in office. The procedure for removal shall be taken as herein above prescribed, and the charges, specifications, proceedings and final judgment, together with the ayes and nays, shall be entered on the minutes. In the event of removal, the judgment in the case shall be final, and the vacancy thus created shall be filled as in this Charter provided.

Suspension  
of elective  
officers.

SEC. 7. That Section Twelve of the said Charter be amended so as to read as follows:

Section 12. At all meetings of the Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Council previously, by ordinance, may have prescribed. The Mayor shall preside at all meetings of the Council, but shall be entitled to no vote, except in case of a tie. In the absence of the Mayor at any meeting of the Council, if three members be present, they may choose one of their number as presiding officer of such meeting, who shall retain the right to vote upon all questions under consideration. No ordinance shall be legal or valid unless passed by the votes of at least three members of the Council and approved by the Mayor; *provided*, if the Mayor shall for any cause fail or refuse to approve such ordinance, before the next regular meeting of the Council, such ordinance may be put upon its final passage, and if it receives four votes of the Council in favor of its adoption, it shall become a valid and legal ordinance without such approval. The Council may establish rules for their own proceedings; provide for the punishment of disorderly conduct in their presence, on the part of a member, or other person; shall keep a journal of their proceedings, in which shall be entered

Meetings  
of council.



the ayes and nays taken on every question acted upon by them, and their proceedings shall be public.

Mayor pro tem.

In case of a vacancy, or if by reason of absence from the City, or sickness, or from any other cause, the Mayor is unable to perform the duties of the office, the City Council shall appoint one of their number Mayor pro tem., who shall have all the powers and authority which the Mayor would have possessed, if personally present and attending to such duties, but such Mayor pro tem. shall not lose his vote as Councilman.

Committee to count cash in treasury.

The Mayor shall, together with the Chairman of the Finance Committee and the City Auditor, at least once a month, count the cash in the Treasury, and see that it corresponds with the books of the Treasurer, and thereupon make a report in writing of the result of such count to the City Council.

SEC. 8. That Section Thirteen of the said Charter be amended so as to read as follows:

Oath of office; bonds.

Section 13. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitution, and the City Marshal, City Assessor, City Treasurer, City Tax Collector, City Auditor, City Engineer and Superintendent of Streets, shall give bonds for the faithful performance of their duties, payable to the corporation by its corporate name, to be approved by the Council, in such penal sum as shall have been prescribed by ordinance; *provided*, that the City Treasurer shall give one bond only, which shall cover all his duties as both City Treasurer and City Tax Collector; and the City Engineer shall give but one bond only, which shall cover all his duties as both Engineer and Superintendent of Streets; and the City Marshal shall give but one bond only, which shall cover all his duties as both City Marshal and City Assessor. From any cause such bonds shall at any time become insufficient, in the opinion of the Council, they may require any officer to furnish such new or additional bonds as they may deem necessary.

SEC. 9. That Section Sixteen of the said Charter be amended so as to read as follows:

City treasurer.

Section 16. The City Treasurer shall, in the months of March and September in each year, cause to be made out a full and correct statement of all moneys received and to whom and for what purpose expended, during the preceding six months, which statement shall be examined and approved by the City Auditor and filed with the City Clerk.

Accounts to be experted.

The Mayor may appoint some competent person, expert in matters of bookkeeping and accounts, to examine the books, records, condition and affairs in every department, board or officer, at least once in every four years, and shall enforce such examination.

Any officer refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed, upon charges, as provided by Section 9 hereof. The compensation of such expert must be fixed before the appointment by the City Council.

SEC. 10. That Section Seventeen of the said Charter be amended so as to read as follows:

Section 17. The City Council shall have power:

First—To pass ordinances not in conflict with the Constitution of this State or of the United States or any of the provisions of this Charter.

General powers and duties of council.

Second—To manage and take care of the property and finances of the City; to sell, use, lease, control, improve and take care of the real estate and personal property of this City; to make contracts; to purchase, take, receive, hold and lease real and personal property within and without the corporate limits of the City.

Third—To establish, build and repair bridges; to establish, lay out, alter, keep open, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the City, and to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereof and enforce conformity thereto; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof, and generally to manage and control all such bridges, streets, lanes, alleys, squares, highways and places; to establish, construct and maintain drains and sewers; to provide for the opening and closing and for the repair of drawbridges.

Bridges, streets, etc.

Fourth—To establish and regulate a Fire Department, and provide such means, engines, apparatus, measures or materials for the prevention or extinguishment of fires as they may deem necessary to protect the City from fire; to regulate or prevent the keeping or storing of gunpowder, hay or other dangerous or inflammable substances within the City, or loading or transportation of the same through the streets of the City; to establish fire limits with proper regulations, and to determine the character and height of buildings and structures that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or structures, or in the repair or alteration of existing buildings within said fire limits; to require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against and extinguishment of fires; to prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prevent the depositing of ashes, or the accumulation of shavings, rubbish, or any combustible material; and to make provisions to guard against fires; to regulate or prohibit the placing of poles and suspending of telephone, telegraph, electric light or power or other wires, along or across any of the streets, alleys or public places of the City; to regulate the entrances to and exits from theatres, lecture rooms, public halls, hotels and churches, and the number and construction of such entrances and exits, and to regulate the placing of chairs, stools or benches in such build-

Fire department.

ings, and to prohibit the placing of chairs, stools, benches or other obstacles in the aisles thereof.

Water and  
lights;  
sprinkling.

Fifth—To provide the streets and City buildings with artificial light and water necessary for their proper use; or to contract for the lighting the street and public buildings of the City with gas, electricity or other artificial lights, and for sprinkling or oiling the improved streets of the City—any street that has been graded, curbed and graveled, macadamized or paved, being an improved street within the meaning of this clause—no such contract to be for a longer period than one year, and the same shall be let to the lowest bidder, only after notice calling for bids for such lighting, sprinkling or oiling has been given for at least five days in some daily newspaper published in the City of Napa, or posted for five days on or near the Council Chamber door; to construct, purchase, lease, own, control, maintain and operate, gas and electric or other works, within or without the corporate limits, for supplying the city and its inhabitants with light, heat and power; to construct, purchase, lease, own, control, maintain or operate water works, pipes, pipe lines, aqueducts, reservoirs and hydrant for supplying the City and its inhabitants with water, and for supplying water to such persons who live without the City limits, but along or adjacent to any pipe, pipe line or aqueduct used in supplying the City or its inhabitants with water; to construct, maintain and operate works for supplying the City and its inhabitants with telephonic and telegraph service; to construct maintain and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary or proper in the operation, management and control of the same.

To improve  
streams.

Sixth—To improve the rivers and streams flowing through the City of Napa; to widen, straighten and deepen the channels thereof and remove obstruction therefrom; to build, alter, improve, keep in repair and control the water front of said city; to build, alter, improve and keep in repair wharves, and to fix the rates of wharfage and transit, levy dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other water crafts, and to fix the rate of speed at which steamboats may run along the water front of the city.

Restrictions on  
use of  
streets.

Seventh—To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars, drawn by horses, steam, electricity or other power thereon, and the laying of gas or water pipes in the public streets, and to permit the construction and maintenance of telegraph, telephone and electric light and power lines therein and they shall impose such restrictions and conditions upon the location and construction of gas, electric light and water works and pipes, wires and poles as shall secure the least possible public or private inconvenience; and they shall provide for the enforcement of such restrictions and conditions; and to regulate the use and fix and determine the charges for telephone and tele-

phone service and connection within the city, and the use and sale of gas, electric and other lights in the city, to fix and determine the price thereof as well as the rental price of all gas and electric light meters within the city, and to provide for the inspection of such meters, to regulate the use and sale and distribution of water, and to fix and determine annually, in the month of February, the rates that shall be charged by any person, company, association or corporation for water furnished to the City of Napa, or its inhabitants, or the rent of water meters within the City of Napa, and to provide for the regulation or inspection of such meters.

Eighth—To grant franchises for a term not exceeding twenty-five years for the construction and operation of street railroads, telephones, telegraph and electric light or power lines, and water or gas pipes, pipe lines and mains, with the necessary connections for the constructions and operation of gas, electric light and power and water works, *provided* that no exclusive franchise or privilege and no special privilege shall be granted for any purpose. Franchises

Ninth—To license for purposes of regulation and revenue all and every kind of business transacted or carried on in said city, and all circuses, shows, exhibitions and lawful games carried on therein, to fix the rates of license upon the same, and to provide for the collection thereof, by suit or otherwise; to regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys or public places in the city. Licenses.

Tenth—To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, games, exhibitions and practices which are against good morals or contrary to public order and decency, or dangerous to the public safety. Public morals.

Eleventh—To levy and collect annually a tax upon all property, real and personal, in said city, which shall be apportioned as follows: A tax for "General Fund," not to exceed forty cents on each one hundred dollars of taxable property, and a tax for a "Street Fund" not to exceed thirty-five cents on each one hundred dollars of taxable property, said "Street Fund" to be used exclusively for repairing, oiling and sprinkling improved streets, and a tax for a "Sewer Fund," not to exceed ten cents upon each one hundred dollars of taxable property, said "Sewer Fund" to be used exclusively for the constructing, repairing and flushing sewers, and a tax for a "Library Fund" not to exceed fifteen cents on each one hundred dollars of taxable property, and to prescribe the manner of making assessments and collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such lien shall take precedence of all mortgages and other liens, except the lien for State and County taxes. The Council may assess, levy and collect any other taxes that may be authorized by the laws of the State of California. The levy for all purposes for any one year shall not Taxation  
and  
revenue.

exceed one dollar on each one hundred dollars of the assessed value of all real and personal property in the City, except a levy for the payment of the bonded indebtedness of the city, and interest thereon, or other special taxes voted by the people.

Public pound.

Twelfth—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal; to prevent or regulate the running at large within the city limits of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a Pound Master, or to confer the duties of Pound Master upon the City Marshal and to fix his compensation as such.

Board of health.

Thirteenth—To establish a Board of Health and prescribe their duties; to prescribe rules and regulations therefor, and to make such sanitary regulations as may be requisite to promote public health and comfort; to require all rubbish, slush, brush, débris, decayed animal, vegetable or other offensive matter, standing pools of water, and everything injurious to health to be removed from all lands and premises and from the street in front thereof, by and at the expense of the owners or occupants of such lands or premises, and upon his or their default in causing such removal, after notice to such owner or occupant, to cause the same to be removed, and the expense of such removal shall become a lien upon such land and premises, and a notice of such lien may be recorded in the office of the Recorder of Napa county; said lien may be enforced in the same manner as provided for the enforcement of liens of mechanics and others upon real property by Chapter II of Title IV Part III, of the Code of Civil Procedure of this State; to define nuisances, and to prevent, remove and abate the same; to make all regulations which may be necessary and expedient for the preservation of health, and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce them within the city.

Police department.

Fourteenth—To establish and regulate a Police Department; to appoint one or more policemen, regulate their duties and terms of office, fix their compensation; to establish, maintain and regulate a city prison; *provided*, that until otherwise ordered by the Council, the county jail of the County of Napa, shall be the city prison, and the Sheriff of said County shall be the City jailor, with like duties and powers as are imposed upon and vested in him in relation to the prisoners committed to his custody under the Statute, and for the boarding and keeping of said city prisoners he shall be allowed a reasonable compensation, to be determined by the City Council and paid out of the City Treasury, which compensation shall in no case exceed the sum paid by the county for the boarding of prisoners confined in jail under the Statute; to provide for the

formation of a chain-gang for persons convicted of breaches or violations of city ordinances, and for their proper employment for the benefit of the city.

Fifteenth—To provide for the punishment by fine or imprisonment or both, of an act prohibited by an ordinance, in which case such act may be prosecuted by the City Attorney, in the name of the People of the State of California, before any Justice of the Peace having his office within the corporate limits of the City of Napa, in like manner as misdemeanors are prosecuted under the Statute, and said Justice's Court shall have jurisdiction over breaches and violations of city ordinances and non-compliance therewith, and the proceeding in such cases shall be in like form as proceedings in criminal cases under the Statute; *provided* that no fine for any one offense shall exceed one hundred dollars and no judgment of imprisonment for any one offense shall exceed one hundred days; an alternate judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each dollar of such fine; such imprisonment shall be in the city prison; and all fines and penalties imposed and collected in proceedings for the breach of, violation of, or non-compliance with a city ordinance, shall be paid into the City Treasury.

Penal ordinances.

Sixteenth—To regulate the speed of railway engines, cars, and trains passing through the city, and the speed of cars of street railway companies using the public streets of the city, and to require railway companies either to station flagmen or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders or other appliances for the protection of the public; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles, along or upon any of the streets or highways of the city.

Speed of trains.

Seventeenth—To fix, establish and change, by ordinance, the boundaries of the several Wards of the City, whenever it may deem it expedient, making the same as nearly equal in population and as geographically compact as possible, and by no such ordinance shall be passed within ninety days previous to any municipal election.

Wards.

Eighteenth—In addition to the powers herein given, the Council shall have power to do and perform any and all other acts and things necessary and proper to carry out the provisions of this Charter, and to enact and enforce within the limits of the City of Napa all other local, police, sanitary and other regulations as do not conflict with the general laws of the State of California.

Other necessary acts.

SEC. 11. That Section Twenty-two of the said Charter be amended so as to read as follows:

Section 22. The City Council shall prescribe by ordinance the office hours and duties of the City Marshal, City Assessor, City Treasurer, City Engineer and Superintendent of Streets, City Attorney and City Auditor.

Office hours of officers.

SEC. 12. That Section Twenty-four of the said Charter be amended so as to read as follows:

Public  
library.

Section 24. The Free Public Library, heretofore established and now maintained by the city, shall be known as the "Goodman Library," and shall be managed by a Board of Library Trustees, consisting of five members, to be appointed by the Mayor, by and with the consent of the City Council. Such Trustees shall hold office for a term of three years, providing that the members of the present Board of Library Trustees shall hold office until the expiration of their present terms of office.

Library  
trustees;  
meetings.

The Board of Library Trustees shall meet at least once a month at such time and place as they may fix by resolution. Special meetings may be called at any time by three Trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall appoint one of their number President, who shall serve for one year and until his successor is appointed, and in his absence shall select a President pro tem. The Board shall cause a proper record of their proceedings to be kept.

The Board of Library Trustees shall have power:

General  
powers and  
duties of  
library  
trustees.

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Goodman Public Library, and all property belonging thereto.

Second—To administer any trust declared or created for such Library, and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such Library.

Third—To prescribe the duties and powers of the Librarian, Secretary and other officers and employés of such Library; to determine the number of and appoint all such officers and employés, and fix their compensation, which said officers and employés shall hold their offices or positions at the pleasure of the Board.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip such building or buildings, room or rooms, as may be necessary, when in their judgment a suitable building or portion thereof has not been provided by the legislative body of the municipality for such Library.

Sixth—To require the Secretary of State and other State official to furnish such Library with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other Libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

The Board of Library Trustees shall, on or before the first Monday in March in each year, make a report to the legislative body of their municipality, giving the condition of the Library on the first Monday in March, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the State Library at Sacramento.

The City Council shall, in making the annual tax levy and as a part thereof, if the maintenance of the Library has not been otherwise provided for, levy a tax for the purpose of maintaining such Library and purchasing property necessary therefor. Library tax

The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the Library, shall be apportioned to a fund to be designated the "Library Fund," and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the Library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be ordered by the Board of Library Trustees in the manner provided for the payment of other demands against the municipality.

The Goodman Public Library shall be forever free to the inhabitants and non-resident tax-payers of the city, subject always to such rules, regulations and by-laws as may be established by the Board of Library Trustees.

The Board of Library Trustees may contract for lending the books of such Library to residents of such counties or neighboring municipalities upon a reasonable compensation to be paid by such counties or neighboring municipalities.

The title of all property acquired for the purposes of such Library, when not inconsistent with the terms of its acquisition or otherwise designated shall vest in the municipality in which the Library is, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

STATE OF CALIFORNIA, )  
COUNTY OF NAPA. ) SS.

This is to certify that we, J. A. FULLER, Mayor of the City of Napa, and H. H. THOMPSON, City Clerk of the said City of Napa, have compared the foregoing proposed and ratified amendments to the Charter of the said City of Napa, with the original ordinance proposing such amendments and submitting them to the qualified electors of said City at a special election called for that purpose on Monday, the 16th day of February, 1903 and find that the foregoing is a full, exact, true and correct copy thereof, and we further certify that the facts set

Certificate  
of mayor  
and city  
clerk.



forth in the preamble preceding said amendments to the City Charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City of Napa this 20th day of February, 1903.

J. A. FULLER

Mayor of the City of Napa.

Attest:

[SEAL.]

H. H. THOMPSON

City Clerk of the City of Napa.

Approval  
of legisla-  
ture.

Now therefore, be it

*Resolved by the assembly of the State of California, the senate thereof concurring, a majority of all the members elected voting for and concurring herein, that said amendments to the Charter of the City of Napa, as proposed to and adopted and ratified by the qualified electors of said City, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of said City of Napa, aforesaid.*

## CHAPTER XXXII.

*Assembly Concurrent Resolution No. 12, approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.*

[Adopted March 6, 1903.]

Preamble.

WHEREAS, The City of Santa Rosa, in Sonoma County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

WHEREAS, At an election held in said city on December third, nineteen hundred and one, in accordance with law and the provisions of section eight of article eleven of the Constitution of this state, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eighth day of February, nineteen hundred and two, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was on the tenth day of February, nineteen hundred and two, returned, one copy thereof to the mayor of said city, and the other copy thereof to the county recorder of the County of Sonoma (within which county said city is situated); and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: in "The Press Democrat," for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the common council thereof, to the qualified electors of said city, at a general election, previously duly called, and thereafter held in said city on April second, nineteen hundred and two; and

WHEREAS, The returns of said election were duly canvassed by said common council of the City of Santa Rosa, at its meeting held on April seventh, nineteen hundred and two, and said common council found as the result of said canvass, and did duly determine and declare, that there were cast at said election fourteen hundred and seventy-four votes, that there were cast in favor of said charter six hundred and eleven votes, that there were cast against said charter five hundred and thirty-two votes; and

WHEREAS, Said charter is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to wit:

## ARTICLE I.

### NAME AND CORPORATE RIGHTS.

SECTION 1. The municipal corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact, and in law, by name of the City of Santa Rosa, and by that name shall have perpetual succession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places, and jurisdictions. It may have and use a common seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own, and control real and personal property within and without the city limits; may receive property of any kind by bequest, donations, or gifts, for the use of said city, or the inhabitants thereof, or for charitable, public, or other purposes and may do and perform any and all acts requisite for such bequests, donations, or gifts, and shall have power to sell, grant, donate, give, or dispose of any and all such property and fulfill or carry out any trust imposed upon it, and it is hereby declared to be the successor of the existing municipality.

Corporate  
name and  
powers.

### *Boundaries.*

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to wit: Beginning at a point three fourths of a mile due north of the northwest corner of

Bound-  
aries.

Fourth and C or Mendocino streets, in said city; thence running due east three fourths of a mile; thence due south one and one half miles; thence due west to the westerly line of the San Francisco and North Pacific railway; thence along the westerly line of said railway to the north bank of Santa Rosa creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to Santa Rosa; thence along the westerly line of said Hewitt's Addition and the land of Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; then due east to the point of beginning. All situate in Sonoma county, California.

*Jurisdiction.*

Jurisdiction.

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over the lands, rights of ways, easements, property and appurtenances of the sewer farm and the sewer outlets and rights, privileges appertaining thereto; to the land, water, property, property rights, privileges, easements and appurtenances, and all property, real, personal and mixed, of the water works now owned, possessed or controlled, or that may hereafter be acquired by the city; and to all other property, real or personal, belonging to said city, within or without the limits of said city now owned, controlled or possessed by said city, or that may hereafter be acquired; and the jurisdiction of this city shall extend over the cemeteries situate within one mile from the exterior boundaries of said city.

ARTICLE II.

ELECTIONS.

Elections.

SECTION 1. An election shall be held in said city for the election of the elective officers provided for by this charter on the first Tuesday of June, A. D. nineteen hundred and three, and every two years thereafter, on the same day.

Qualifications of voters.

SEC. 2. All male citizens residing within the corporate limits of said city, and who have resided therein thirty days next preceding any general or special election, and who are entitled to vote for members of the legislative assembly, shall be entitled to vote at all elections in said city.

Control of elections.

SEC. 3. The conduct and carrying on of all city elections shall be under the control of the common council, and the common council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts, for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election.

SEC. 4. The provisions of the general laws of the state governing elections for state and county officers not inconsistent with the provisions of this charter shall govern city elections in matters for which no provision is made in this charter, or by ordinance or order passed in pursuance thereof.

General  
election  
laws to  
govern.

SEC. 5. The common council shall have power, and it is hereby made their duty, by ordinance or by an order entered on their minutes, to designate their time and places of holding said elections; designate and appoint the officers not less than three for each precinct for conducting said election, canvassing the votes, and declaring the result; and to fix their compensation.

Powers of  
council.

SEC. 6. The common council shall by ordinance, or by an order entered on their minutes, fix the place for holding all city elections. They shall by ordinance, or by an order entered on their minutes at least fifteen days before the election in each year, direct the city clerk to post a notice of said election, and shall also direct a like notice to be published in some newspaper or newspapers published in said city, designated in said order, and shall by like ordinance or order appoint officers of election, and prescribe their duties. Such officers shall be qualified electors of said city. The city clerk shall, after the passage of said ordinance, or the entry of said orders, and at least ten days before the day of election, post a notice of such election in three public places in said city; and shall be directed by said ordinance, or by said order, to publish said notice in the newspaper or newspapers designated in said order or ordinance. Said notice shall designate the time and places of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the officers appointed to conduct said election. At the time for opening the polls, said officers shall appear at the place of said election, but if either of them fail to appear and serve, the bystanders may elect some qualified elector to serve in the place of said absent officer or officers. The officers so appointed to conduct said election shall be sworn to the faithful performance of their duties, before entering upon the performance thereof. The ballot box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result declared in the manner provided by ordinance duly passed by the common council. Returns from each precinct should be made to the city clerk as provided by ordinance or order of the common council duly entered upon their minutes.

Election  
ordinances

SEC. 7. The person receiving the highest number of votes for any city office shall be declared elected to said office, but no person shall hold two elective city offices at one time. If two persons receive the same number of votes for any office, and an election be thereby prevented, the common council shall elect one of said persons to said office, and cause a certificate of election to be issued to him. The mayor shall issue the certificates of election to the persons elected, which certificate shall be attested by the clerk.

Declara-  
tion of  
result.

Contests. SEC. 8. Any person who has, at any election, received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election, serve a notice in writing on the person declared by said officers to be elected to said office, notifying that he will contest said election before the common council, and shall file a copy of said notice with the city clerk. Said common council are directed to set a time and place to hear testimony, examine witnesses and the ballots cast for said office at said election, and determine between the said contestants which decision shall be entered on the minutes, and shall be final and conclusive. If no certificate of election has been issued, they shall direct that a certificate issue to the person so found to be entitled to the office. If a certificate of election has been issued to the wrong person, they shall, by order on the minutes, declare such certificate null and void, and the person to whom the common council shall direct the certificate to be issued shall be deemed to be the person elected.

### ARTICLE III.

#### OFFICERS OF THE CITY.

Officers. SECTION 1. The officers of the city shall be a—  
 Mayor,  
 Six Councilmen,  
 City Clerk,  
 City Assessor and Tax Collector,  
 City Attorney,  
 Superintendent of Streets and Public Works,  
 City Treasurer,  
 Chief of Police,  
 Judge of the Police Court,  
 City Engineer,  
 Five members Board of Education,  
 Five Library Trustees,  
 Board of Health, consisting of five members.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

Common council. SECTION 1. The legislative power of the city shall be vested in a common council, who shall be elected every four years, and shall consist of six members, to be nominated and elected by the city at large.

Election and terms of office. SEC. 2. At the first election provided in this act, six councilmen shall be elected, three of whom shall hold their offices for two years, and the other three for four years. The terms of office of those elected at the first election shall be determined by lot. At every election thereafter three councilmen shall be elected.

## ARTICLE V.

## POWERS OF THE COMMON COUNCIL.

SECTION 1. The common council shall have power, and it is hereby made their duty, to make such ordinances, not inconsistent with the Constitution of the United States or of this state.

General powers and duties of council.

One—To manage and care for the property, money, and finances of the city.

Two—To lay out, alter, establish, open, widen, or to reduce in width, vacate, construct, reconstruct, grade, pave, gravel, macadamize, curb, repair, improve, sweep, clean, sprinkle, and keep in order all streets, roads, lanes, alleys, sidewalks, crossings, gutters, bridges, public squares, public parks, and places; to acquire and erect statuary or works of art, to plant ornamental or shade trees; to establish, change, or alter grades of streets, alleys, sidewalks, crossings, and gutters; to lay out, construct, establish, and build gutters, culverts, sewers, and drains; to drain, sprinkle, light, ornament, and keep in order all public streets, alleys, sidewalks, courts, parks, streams, creeks, or watercourses, squares, or public places, to remove obstructions therefrom, and generally to manage, control, and care for all such bridges, streets, sidewalks, curbs, lanes, alleys, squares, highways, sewers, and public places, and do all other things for the care, improvement, and conduct of said city.

Three—To establish, maintain, and regulate a fire department, and to provide engines, apparatus, measures, or materials for the prevention or extinguishing of fires; to define and regulate fire limits.

Four—To provide for lighting public buildings, streets, and grounds with artificial light.

Five—To provide for printing the charter and ordinances and other necessary printing for the city, and to provide the city or public buildings, grounds, streets and public places with water.

Six—To contract for the lighting of the streets and public buildings with gas, natural or artificial, electricity or artificial lights of any kind, no such contract to continue for a longer period than two years, unless as otherwise provided in this charter, and to be let only after public notice and to the lowest responsible bidder.

Seven—To authorize the letting of contracts for street work, street sprinkling, street repairs or building, construction or repairs of sewers, or grading, graveling, paving, macadamizing, curbing or laying sidewalks or any and all kinds of public works, to the lowest responsible bidder, after public notice thereof.

Eight—To define nuisances; to prevent and remove nuisances within the city, or along or in any creek or water-course or near the city limits.

Nine—To regulate or prohibit the storage or placing of

General powers and duties of council.

gunpowder, hay, dynamite or other dangerous or destructive combustibles.

Ten—To prevent disturbances of the peace; to prohibit disorderly conduct; to license, regulate and prohibit junk dealers; to license or regulate taverns, billiard tables, saloons, theatrical shows, circus or performances of all kinds, concerts and all public entertainments and amusements; to regulate parades or processions; to license or regulate saloons, hawkers, peddlers, pawnbrokers, bill-posters, baggage or express wagons, hacks, cabs and carriages; to regulate or prohibit dance houses, houses of assignation, ill-fame, and disorderly houses of all kinds.

Eleven—To prevent the running at large of horses, swine, sheep, goats, mules, and cattle, and regulate the driving of same through public streets; to impound the same and sell the same to cover costs and expenses in taking, caring for, or selling them; to compel the muzzling or killing of dogs; to provide for killing dogs for non-payment of taxes thereon.

Twelve—To establish and regulate markets, booths, and stands; to regulate or prohibit slaughter-houses within the city.

Thirteen—To establish and maintain a police department, and to regulate the same; to provide for a chain-gang, and to authorize persons committed for non-payment of fines to work out such fines and costs of their trial and imprisonment.

Fourteen—To care for, build, or improve bridges over creeks or watercourses; to establish public reservoirs for water, and to provide and maintain a water works for the supply of the city and inhabitants with water; to own, control, manage, and conduct a system of water works; to regulate any water system, or water works, or water supply, whether owned by the city or not; to purchase or obtain water rights, water supplies, and any and all lands, rights of way, water easements and appurtenances for the same; to build dams or embankments in any creek or watercourse, to impound water in any such creek or watercourse for a public swimming lake or for public baths.

Fifteen—To impose fines, imprisonments, and punishments for violating ordinances of the city, and to impose penalties therefor; *provided*, that no ordinance shall fix a fine for one offense above two hundred and ninety-nine dollars, or imprisonment for more than one hundred and forty-nine days, and providing that alternative judgment may be entered imposing a fine, and on failure to pay the same imprisoning the offender one day for each two dollars of the fine, or to cause such persons to work out the same at the rate of two dollars for each day's work.

Sixteen—To provide for the removal of dirt, filth, weeds and obstructions from the streets, alleys, sidewalks or public places, and making it an offense punishable by fine for depositing or leaving boxes, stone, dirt, filth, slop, garbage or any obstruction upon any public street, sidewalk, lane, alley or public place, or to obstruct any sewer, culvert or other outlet.

Seventeen—To prevent and remove nuisances within the city or along the banks of or in any creek in the city or near the limits of the city.

Eighteen—To prevent the introduction into the city or spreading of infectious diseases; to provide hospitals, prisons, jails, workhouses; to suppress and punish vagrants, mendicants, thieves, pickpockets, bawds and prostitutes; to punish by fine the owners of vicious or dangerous dogs; to kill such dogs; to provide for measurement, weight and sale of coal oil, wood and coal; to regulate the police; to provide for sanitary matters and preserve the public health.

General powers and duties of council.

Nineteen—To regulate the sanitary condition of public cemeteries in the city or within one mile from the exterior limits of the city.

Twenty—To provide for the burial of indigent dead.

Twenty-one—To purchase, lease, acquire by gift or donation any building for city purposes, or for the use of any of the departments; to purchase, lease or acquire by condemnation or otherwise land for public parks, streets or sidewalks thereof.

Twenty-two—To provide for carrying out the provisions of this charter, and the execution of all the powers herein granted.

Twenty-three—The common council shall have power, and it is hereby made their duty, to provide by ordinance for a fund to be known as the relief fund for aged and disabled firemen and policemen. Said fund may be provided for by a tax levy, or in such other manner as the common council may deem best.

Twenty-four—The common council shall have the power and authority to grant the use of the streets for street fairs and all purposes which in their judgment seems proper.

Twenty-five—The common council shall, at the first meeting in each month, make and publish a statement showing the amount in the city treasury available for the fiscal year over and above the amount necessary to pay the salaries of city officials and employes for the balance of the fiscal year.

Twenty-six—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

SEC. 2. Whenever there shall be presented to the common council a petition signed by a number of qualified voters of the city equal to twenty-five per centum of the votes cast at the last preceding city election asking that an amendment to this charter (which shall be set forth in the petition) be submitted to a vote of the electors of the city, the common council must submit such proposed amendment to the vote of the qualified electors of the city at the next city election following such presentation, *provided*, such petition shall be presented to the common council at least ninety days before the next city election. The signatures to the petition need not all be appended to one paper. All of the provisions of the Constitution of the State of California embracing the subject in this section provided for or hereby expressly made applicable to such proposed amendment. The tickets used at such election shall contain the words "For the amendment" (stating the

Amendments to charter.



nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If more than one proposed amendment shall be petitioned for to be voted on at the same election the amendments may be numbered or otherwise designated. But the common council shall have power, without any petition therefor, to propose and submit amendments to this charter in the manner authorized by the Constitution of the state. If any amendment submitted at such election shall be ratified by at least three fifths of the qualified electors voting thereat it shall be submitted to the legislature for approval, as provided by the Constitution of the state, and if approved by the legislature shall become a part of this charter.

Publica-  
tion of or-  
dinances.

SEC. 3. All ordinances shall be published in some newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the common council shall prescribe a longer or shorter time in which they shall take effect.

Enacting  
clause.

SEC. 4. All ordinances shall be signed as near as may be, in the following form, viz.: In the Common Council, finally passed this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, Attest: \_\_\_\_\_, City Clerk. Approved this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, \_\_\_\_\_, Mayor of the City of Santa Rosa. Ordinances shall commence with the following enacting clause, viz.: "The common council of the City of Santa Rosa do hereby ordain as follows."

Quorum.

SEC. 5. Any four members of the common council shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and shall have power to compel the attendance of absent members. But no ordinance, resolution, or order shall be passed except there be at least four votes in its favor.

General  
super-  
vision.

SEC. 6. The common council shall be general agents of the city for the management of the affairs thereof, and shall have general supervision and control thereof. They shall have power to make contracts, and shall have power to provide the manner of signing and executing the same.

#### *Fiscal Year.*

Fiscal year.

SEC. 7. The fiscal year of the said city shall commence on the first day of July of each year, and shall end on the last day of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

Limit of  
liability.

SEC. 8. The common council shall not contract any liability, either by borrowing money, issuing bonds, loaning the credit of the city, or contracting debts, which, singly or in the aggregate with any previous debts or liabilities, shall exceed the sum of five thousand dollars over and above the amount in the treasury.

Debts.

SEC. 9. No city officer shall contract any debts or incur any indebtedness or liabilities against the city without authority from the common council.

SEC. 10. Whenever special meetings of the common council are called, notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice. Special meetings.

SEC. 11. If the owner of any lot within the limits of the city shall allow the same to become offensive or unsightly, the common council shall have the power to declare the same as public nuisance, and upon notice being served upon the owner of said property to have the same cleared, and the order not being complied with, the common council shall order the superintendent of streets and public works to clear the same. Any expense incurred in the performance of this duty by the superintendent of streets and public works shall be charged against the property, and shall be collected by the tax collector the same as any other tax. Public nuisances.

## ARTICLE VI.

### EXECUTIVE DEPARTMENT.

SECTION 1. There shall be a mayor, who shall be the chief executive officer of the city, who shall be elected and hold office for two years. He shall have been a resident of the city for at least five years, and a qualified voter thereof. Chief executive officer.

SEC. 2. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the common council, city attorney, or district attorney, in order that the public interests may be protected, and persons in default be proceeded against according to law. General powers and duties of mayor.

One—He shall, from time to time, give the common council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest.

Two—He shall see that the laws of the state, provisions of this charter, and the ordinances of the city are observed and enforced.

Three—He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department,

board, or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the mayor, and may be removed as for malfeasance in office, and he shall submit the report to the common council at the next meeting.

Four—He shall have a general supervision over all departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

Five—He shall take all proper measures for the preservation of public order, and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the citizens or the governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

Mayor shall preside.

SEC. 3. The mayor shall preside at all meetings of the common council, and shall be entitled to vote only on questions coming before said common council when the votes of the said common council are evenly divided.

Sign warrants.

SEC. 4. The mayor shall sign all warrants ordered drawn by the common council; and shall sign all written contracts entered into by said city, on behalf of the city. All of said contracts shall be executed in duplicate, one copy thereof delivered to the party contracting with the city, and the other filed in the office of the city clerk for future reference.

Conveyances.

SEC. 5. The mayor shall sign all conveyances made by the said city, and is authorized to acknowledge the execution of all instruments executed by the said city that require to be acknowledged.

May suspend officers.

SEC. 6. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all said officers elected or appointed; he shall have power to suspend any elective city officer (except a member of the common council) for a dereliction, neglect, or non-performance of duty, and shall report the same to the common council. During such suspension the officer shall not be allowed a salary. If the common council, after a hearing, by affirmative vote of at least five members, approve the suspension, they shall declare the office vacant or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the mayor, subject to the approval of the common council.

Mayor pro tem.

SEC. 7. When and so long as the mayor is temporarily unable to perform his official duties, the common council shall elect one of their number to act as mayor pro tempore. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the common council, assembled for the

purpose. A member of the common council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 8. Every ordinance after it has passed the common council, shall be signed by the mayor. The mayor shall return such bill to the common council, or file the same with the city clerk within ten days after receiving it. If he sign the same it shall then become an ordinance, but if he disapprove the bill he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same. Veto power

SEC. 9. When an ordinance is returned without the approval of the mayor, the common council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill be again passed by an affirmative vote of not less than five members, it shall take effect as if the mayor had approved the same. If the bill fail, on being reconsidered, to receive five affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the common council. Action of council on vetoed ordinance.

SEC. 10. The mayor and common council shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law.

## ARTICLE VII.

### DUTIES OF OFFICERS.

#### *City Clerk.*

SECTION 1. The city clerk shall be elected and hold office for two years. It shall be the duty of the city clerk to keep a record of the proceedings of the common council and the board of equalization. The council proceedings shall be kept in a book marked "records of the common council." The proceedings of the board of equalization shall be kept in a separate book marked "records of the board of equalization." He shall keep a book marked "city accounts," in which shall be entered all moneys received by the city for licenses and all other moneys received from all sources, and upon the debtor side shall be entered all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "tax collector's account," in which he shall charge the tax collector up with all tax lists delivered to him. He shall credit the tax collector with the delinquent lists returned. He shall keep a correct account of all tax lists and assessments and all taxes of every kind to be collected by the tax collector. The dates and amounts shall be correctly kept. He shall also keep a book marked "city ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of the City clerk.

ordinance of the City of Santa Rosa, and giving the number and title of said ordinance, and stating that the same has been published according to law. Said record shall be prima facie evidence of the contents of the ordinance, and of its passage, approval, and publication, and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "demands and warrants," in which he shall make an entry of every demand filed against the city, and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the tax collector, taking his receipt therefor. He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take the certified demands of the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the state and the words "City Clerk of the City of Santa Rosa." He shall make quarterly reports in writing, showing the receipts and expenditures during the quarter, and a full statement of the financial affairs of the city, at least once a year. He shall report oftener if the common council so require. It shall also be his duty to collect all licenses imposed by any ordinance of this city. He shall keep a separate book showing all licenses issued; to whom issued and what for. All licenses shall be payable at the office of the city clerk. He shall also perform all other duties required by law or the ordinances of the city.

*City Assessor and Tax Collector.*

Assessor  
and tax  
collector.

SEC. 2. The city assessor shall be elected and hold office for two years. It shall be the duty of the city assessor, as soon after the first Monday in March of each year as practicable, to make a full, true, and correct statement of all of the taxable property within the city, owned or possessed by any person, board, or corporation, at twelve o'clock, noon, on the first Monday in March, of each year, and such additional taxable property as may be included within territory annexed to the city for school purposes; *provided*, that he may adopt the assessed valuation fixed by the county assessor for such property outside of the city limits and within the school district. He shall make out lists, giving the names of owners, and a description and value of the property, following the form as near as may be as required by the laws of the state governing county assessors. He shall make his assessment as near as may be in conformity to the laws of the state in relation to assessments by county assessors. All of said lists shall be verified by his oath, and shall be returned to the common council on or before the first Monday of July of each year. But no information shall invalidate said assessment. He shall have power to administer

oaths and to take affidavits. He shall, at the time of making the assessment, collect the taxes levied upon the personal property from all persons liable therefor, who shall not own or be assessed with real estate. He shall attend the sessions of the board of equalization, whenever requested by the board. It shall be his duty to collect all taxes in this charter provided. He shall account for all moneys collected or received by him. He shall receipt to the city clerk for all tax lists, tax receipts, tax books, and the total amount thereof. He shall diligently collect all taxes and properly account for all moneys belonging to the city received by him, and deposit the same with the city treasurer, taking his receipt therefor. The common council may by ordinance further define the duties of assessor and tax collector.

SEC. 3. The city assessor and tax collector shall turn over his receipts daily at the close of each day to the city treasurer, taking his receipt therefor. When acting as tax collector he shall have his office open between the hours of nine A. M. and three P. M. of each day, excepting Sundays and holidays, including the last day on which taxes shall become delinquent.

Daily receipts.

#### *Judge of the Police Court.*

SEC. 4. The judge of the police court shall be elected and hold office for two years. He shall have the same jurisdiction in criminal cases which is conferred by the laws of the state on justices of the peace, and all laws of the state relating to criminal matters applicable to justices of the peace of justice's courts are made applicable to the judge of the police court. The judge of the police court shall have jurisdiction over all cases for violation of the ordinances of the city, and shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof. In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or county jail of Sonoma county. Appeals may be taken to the superior court from any judgment entered by the judge of the police court in the same manner as is provided by law for appeals from justices' courts. All provisions of the Code of Civil Procedure, relating to appeals from justices' courts are applicable to appeals from the judgment of the judge of the police court. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as justices of the peace. He shall have a seal, on which shall be engraved the arms of the state and the words "Judge of the Police Court of the City of Santa Rosa." He shall have power to issue warrants, writs, summons, and they may be directed to the chief of police or to any sheriff or constable, who shall serve and return the same in all respects as if issued by a justice of the peace. He shall keep a docket. All fines

Judge of police court; jurisdiction.

Seal.

Docket.

collected by him shall be paid into the city treasury. He shall make reports quarterly or oftener if required by the common council. The common council may by ordinance further define his duties. Any justice of the peace of Santa Rosa township shall possess the same powers herein conferred upon the judge of the police court to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said justices of the peace shall not be construed as impairing, reducing, or taking from the judge of the police court any right, power, or jurisdiction vested in him. All fines imposed shall be paid into the city treasury on or before the last day of each month.

Justices of the peace.

Fines.

#### *Chief of Police.*

Chief of police; powers and duties.

SEC. 5. The chief of police shall be appointed and serve during the pleasure of the common council. The department of the police shall be under the direction of the chief of police. He shall have all the powers given to peace officers under the laws of this state. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on sheriffs by the laws of the state. His orders shall be promptly executed by the police officers or other officers or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the state or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma county or in the city prison of the city. He shall perform all duties imposed upon him by the ordinances of the common council, shall be subject to the control of the common council, and he may be removed by the common council for dereliction of duty. No officer appointed on the police force shall be removed except for cause.

#### *City Treasurer.*

City treasurer.

SEC. 6. The city treasurer shall be appointed by the common council, who shall fix his compensation. He shall do and perform all and every act and thing required of the city treasurer by this charter or any law or ordinance of the city.

Duties.

SEC. 7. It shall be the duty of the city treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out the same only on warrants signed by the mayor, and countersigned by the city clerk. He shall make monthly reports to the common council. He shall make quar-

terly settlements with the city clerk, which shall be signed by each and read in a regular meeting of the common council and filed with the city clerk, and shall perform such other duties as may be imposed on him by ordinance.

*City Attorney.*

SEC. 8. The city attorney shall be elected and hold office for two years. It shall be the duty of the city attorney to advise the officers and authorities of the city in all legal matters pertaining to the business of the city; to prosecute in all cases of violations of the city ordinances or non-compliance therewith, and shall represent the city in all suits in which the city may be a party, or in which the city may be interested. He shall have power in his official capacity to sign informations or charges against persons violating or non-complying with any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints; he may collect the delinquent taxes by suit in the manner provided by law, or as may be provided by ordinance, and shall perform all other duties imposed upon him by ordinances of the city.

City attorney.

*Superintendent of Streets and Public Works.*

SEC. 9. The superintendent of streets and public works shall be appointed by the mayor and common council of the City of Santa Rosa, and shall be under the control of the common council. He shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings, and public grounds, and the improvements thereof. He shall have general supervision of the sewers' outlets and sewer farm. He shall have general supervision of the water works, water plant, and water supply of the city. He shall see that all ordinances in relation to the public streets, alleys, sidewalks, public grounds, and the sewers, and water of the city are duly enforced and observed. He shall superintend all public works ordered or carried on by the city. He shall have the custody and care of all tools and implements and all property belonging to the city, and he shall care for and be responsible for the safe keeping of the same. He shall attend the meetings of the common council. He shall be provided by the common council with an office in the city hall. He shall be required to make a written monthly report and recommendations to the common council.

Superintendent of streets.

SEC. 10. All property owners in the City of Santa Rosa shall keep their sidewalks free from weeds, growths, and obstructions. It shall be the duty of the superintendent of streets and public works to see that the sidewalks are kept uniformly clean from weeds and other obstructions. He shall notify property owners to clean sidewalks when, in his judgment, the same is necessary, and if the order is not complied with in one month's time, the superintendent of streets and public works shall cause the same to be done. Any expense incurred by the

Sidewalks to be kept free from weeds.



city in the performance of this duty shall be a first lien upon the property, and shall be collected the same as any tax levied by the city.

*Policemen.*

**Policemen.** SEC. 11. The common council may appoint policemen, who shall be subject to the orders of the common council and be under the control of the chief of police. They shall be conservators of the public peace, and they shall have the same powers in suppressing riots, tumults, affrays, and in making arrests as is conferred upon the chief of police. They shall vigilantly see that the ordinances of this city are enforced. As deputies of the chief of police, the policemen shall have the authority to serve warrants and process of law issued by the judge of the police court or other legal process authorized by ordinance. The mayor and chief of police may provide extra police for special occasions, to serve from day to day, and who shall have like power as regular policemen. The common council shall fix their compensation.

Extra  
police.

*City Engineer.*

**City engineer.** SEC. 12. There shall be a city engineer, who shall be appointed by the mayor, subject to the approval of the common council, and shall hold office at the pleasure of the mayor. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the common council, and shall certify to the progress and completion of the same, and shall also make such maps, plats, plans, and specifications as the common council may direct. It shall also be his duty to see that all buildings, balconies, porches, awnings, signs, and all fixtures appertaining to buildings are constructed in a safe and substantial manner and according to the requirements of law and the city ordinances; and it shall also be his duty to cause the arrest of and prosecute all persons failing or refusing to comply with the law or ordinances in relation thereto.

Inspector  
of plumbing.

SEC. 13. He shall act as inspector of plumbing and draining, and to him, as such, plans and specifications of all contemplated constructions, improvements, repairs, and alterations within the city shall be submitted for his examination and report; he shall number and file the same, and record the name of the owner and architect and location.

Examine  
plans, etc.

SEC. 14. He shall examine all plans and accompanying specifications, and, if in accordance with the rules of the board of health, he shall issue a permit for the work to go on. Any plan or specification that in his judgment does not conform to the rules shall not be approved, but shall be returned to the parties presenting it, with a written notice explaining the corrections necessary in order to comply with the rules.

SEC. 15. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of

any plumbing work he shall examine the same, and if found to conform to the rules of the board of health and the plans and specifications filed, he shall issue a final certificate.

SEC. 16. He shall make a monthly report to the common council of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as may be required by the board of health.

Monthly report.

SEC. 17. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the common council and do such other work pertaining to his profession as he may be directed to do by the common council or by any general law of the State of California. He shall keep a public office within the city, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference. All such records, maps, plats, surveys and certificates, including monuments, shall be the property of the city, and shall be turned over to his successor in office.

Records, etc., to be property of city.

## ARTICLE VIII.

### BONDS, TERMS, AND SALARIES OF OFFICERS.

SECTION 1. Every officer provided for in this charter shall, within twenty days after receiving his certificate of election or appointment, qualify, by giving the bond required by this charter or the ordinances of the city, and by taking and subscribing to the following oath or affirmation:

Bonds of officers.

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

Oath of office.

SEC. 2. All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company; *provided*, that the premium charged shall not be considered unreasonable by the common council.

Surety company bonds required.

SEC. 3. In case the premium should be considered extortionate, then a bond may be given with personal sureties. All official bonds shall be approved or rejected by the common council by an order entered on the minutes.

Personal surety.

SEC. 4. The common council may, at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon the failure on the part of an officer to furnish a satisfactory bond, at the request of the common council, his office shall be declared vacant, and as soon as such declaration is made the office becomes vacant.

Additional bonds.

SEC. 5. All premiums on official bonds shall be paid by the City of Santa Rosa.

Premiums on bonds.

SEC. 6. All bonds shall be payable to the City of Santa Rosa.

Amount  
of bonds.

SEC. 7. The amount of the bonds required of any official by the common council shall be fixed by ordinance.

*Terms of Office.*

Terms of  
office.

SEC. 8. The terms of all officers provided for in this charter shall begin on the first day of July next after the city election, and they shall hold office for two years, except members of the common council, who shall hold office for four years, and until their successors shall qualify. The common council shall fill any vacancy occurring in any city office for the remainder of the term.

*Salaries of Officers.*

Salaries.

SEC. 9. The mayor of the City of Santa Rosa shall receive a salary of six hundred dollars per annum, payable monthly.

Each member of the common council shall receive five dollars per meeting for each meeting of the common council, and five dollars per day for each day's actual attendance as member of the board of equalization. The sum received by each shall not exceed two hundred dollars in any fiscal year. Any member attending a meeting of the common council or the board of equalization and leaving the same before the completion of the labors thereof, shall have to be excused by the common council to be entitled to his compensation. They shall not be paid for more than two meetings of the common council in any one month.

The city clerk shall receive a salary of nine hundred dollars per annum, payable monthly.

The city assessor and tax collector shall receive a salary of six hundred dollars per annum, payable monthly.

The city attorney shall receive a salary of six hundred dollars per annum, payable monthly.

The superintendent of streets and public works shall receive a salary of fifteen hundred dollars per annum, payable monthly.

The chief of police shall receive a salary of twelve hundred dollars per annum, payable monthly, and policemen shall receive a salary of ten hundred dollars per annum, payable monthly.

The judge of the police court shall receive a salary of six hundred dollars per annum, payable monthly.

The salary of the city treasurer and city engineer shall be fixed by the common council.

When not herein otherwise provided the common council shall, by ordinance, fix the compensation of city officers and employés.

ARTICLE IX.

BONDS AND CONTRACTS.

Bonds of  
contractors

SECTION 1. The common council shall by ordinance or resolution prescribe the penalties and conditions of bonds required of contractors or other persons performing contracts or doing

work for the city. No member of the common council, nor shall city officer, be a surety on any bonds to the city or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done, or for materials furnished or used by the city in any work done under the direction of the city.

## ARTICLE X.

### DELINQUENT TAXES.

SECTION 1. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The city assessor and tax collector shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the same manner, as near as may be, except as to the time and place of sales, and officer making such sales, as is provided by the law of the state for the sale of property for delinquent state and county taxes by the tax collector of the county. Any person may be a purchaser at any such tax sales made by the city assessor and tax collector. The manner of proceeding under said sale shall be as near as may be in conformity to the laws of the state governing tax sales or any ordinances of the city which are now in force or which may hereafter be passed. The city assessor and tax collector shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or any ordinance of the city, he shall execute, acknowledge, and deliver a deed to the purchaser or his assigns, with such recitals as may be provided by law or any of the ordinances of the city. The common council may by ordinance provide for the sale of property for delinquent taxes, for issuing certificates of sale, providing for redemption, and the issuance of deeds thereunder. All deeds for taxes sold shall have the same force and effect as sheriff's deeds, and shall be received as evidence in all courts, and shall be prima facie evidence that all the provisions of the charter, laws and ordinances in relation to the assessment and collection of taxes have been fully complied with. The city assessor and tax collector shall have a credit for all taxes not collected by him on said delinquent list which he could not by the use of due diligence collect, or which shall not be realized on the sale. The common council may by ordinance provide additional legislation for the collection of taxes or sale of property for delinquent, or may provide a different procedure or manner for the collection of delinquent taxes than is herein provided. The common council may direct the city attorney to enforce the lien for delinquent taxes by suit in the court having jurisdiction, and obtain a judgment and decree and collect the same in the manner required by law. The assessment list is

Delinquent taxes.

Procedure under sales.

Tax deeds.

authority to the city assessor and tax collector to collect all taxes and to seize upon personal property for the collection of the personal property tax not otherwise collected, and to levy upon or seize and sell the property for such taxes or any taxes unpaid, and realize the money due therefor.

SEC. 2. All taxes, penalties, and fines shall be payable in lawful money of the United States.

## ARTICLE XI.

### ACQUISITION OF PUBLIC UTILITIES.

Public  
utilities.

SECTION 1. It is hereby declared to be the purpose and intention of the people of the City of Santa Rosa that such of its public utilities as shall be deemed to be for the best interest of the people shall be acquired and owned by the city.

## ARTICLE XII.

### WATER.

Public  
water  
system.

SECTION 1. The common council shall have jurisdiction and control of the public water works and water system, and all lands and appurtenances belonging to the city, or which may hereafter be acquired. The superintendent of streets and public works shall perform all duties that may be required of him by this charter or any law or ordinance of the city in relation to the water system. It shall be his duty to report monthly to the common council, giving the items of expense of all kinds, including labor and materials, of the water works or water system. The municipal water plant shall be known as the city water works, and shall be controlled by the common council. The common council shall have the power and right to construct buildings, lay water pipes, and develop water supply, and do all other things in the management and conduct of said water works. They may, by ordinance or otherwise, establish water rates and provide for the collection of the same, except for water supplied for all domestic uses.

SEC. 2. The common council is hereby empowered to lay water mains outside the city limits, and furnish water to outside parties at such prices as they may deem equitable.

## ARTICLE XIII.

### SEWERS AND DRAINAGE.

Sewers  
and drain-  
age.

SECTION 1. The common council shall have power to prescribe the location, form, and materials to be used in the construction, building, making, or repairing of public sewers, manholes, sinks, drainage, cesspools, and appurtenances belonging to the drainage and sewerage systems and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof. The common council shall have the power to construct, make,

lay, and build sewers, manholes, sinks, drainage, cesspools, and outlets. Contracts for all said work, excepting for private sewers and private drains, shall be based upon plans and specifications prepared by the city engineer and adopted by the common council, and shall be let to the lowest responsible bidder, unless the common council shall elect to do the work in the name of and for the city. The common council shall provide by ordinance for the manner of letting contracts, and the doing and completion of work under this section. The work mentioned in this section shall be under the supervision of the superintendent of streets and public works. The common council shall provide for the payment of the contract price for the work in this article in accordance with the contract and approval of the superintendent of streets and public works.

SEC. 2. The common council shall have power to pass ordinances relative to sewers, sewage system, drains, sewer plants, outlets, and to prescribe any and all rules and regulations relating thereto, and to authorize the employment of any person or persons to perform any duties or acts necessary under the provisions of this article. The city shall have the right to acquire other real estate for sewer purposes.

Ordinances relative to sewers.

#### ARTICLE XIV.

##### CONTINUING IN FORCE LAWS, ORDINANCES, ETC.

SECTION 1. All ordinances, resolutions, orders, rules or regulations of the present City of Santa Rosa, in force at the time this charter takes its effect and inconsistent therewith, shall continue in force until amended, repealed, or revoked, and all officers of the city in office shall continue to hold and exercise their offices until the election, appointment, and qualification of the officers provided for or created by this charter, when they shall surrender up their respective offices to the officers provided for in this charter. All contracts, obligations, or liabilities now existing, or that have been incurred or entered into by or with the present City of Santa Rosa before this charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof.

Prior laws in force.

SEC. 2. This charter shall take effect and be in force from and after its approval by the legislature of the State of California.

#### ARTICLE XV.

##### HEALTH AND SAFETY.

SECTION 1. The common council shall have the power to pass ordinances:

Public health.

First—To provide for a board of health and prescribe their duties and powers.

Second—To provide for removing human remains from the city.

Third—To regulate the dispensaries, hospitals, markets, and other institutions.

Fourth—To establish a city hospital, and provide for its maintenance.

Fifth—Every member of the board of health, the health officer and health inspector may administer oaths on matters connected with the health department.

SEC. 2. The common council shall have power to create the office of city physician.

## ARTICLE XVI.

### REVENUES AND TAXATION.

**Revenues.** SECTION 1. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the city treasury. Taxes shall be due and payable the first Monday in October. The taxes shall be:

**Tax levy.** First—A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for schools and library purposes, shall not exceed the sum of one dollar on each one hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for school purposes not to exceed the sum of thirty cents on each one hundred dollars thereof. A tax shall be levied on all property assessable for library purposes not to exceed the sum of ten cents on each one hundred dollars of said assessable property. Also a tax sufficient to meet the interest and principal of a bonded indebtedness against the city and school district falling due or required to be paid. The general tax, and the tax for the interest and principal of the bonded indebtedness shall be on all property subject to taxation for the purpose herein named at noon on the first Monday of March in each year.

Second—A tax not exceeding five dollars on each dog owned or kept in the city.

Third—The tax for the public library shall be kept separate for purposes of the public library.

Fourth—The tax for the interest and principal of the bonded indebtedness shall be kept separately for the payment of the interest or principal thereon.

Fifth—All taxes, of every kind, shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

Sixth—The common council shall have power to apportion the revenues of the city into separate and distinct funds, to be used for the purpose of such funds alone. They shall have full power over the revenues and funds of the city.

**Rate of tax, when fixed.** SEC. 2. The common council shall fix the rate of taxes, designating the number of cents on each one hundred dollars of the valuation. They shall fix the amount to be assessed on each

dog; they shall fix the rate of tax for general purposes; they shall fix the rate of tax for the public library; they shall fix the rate of tax for school purposes; they shall fix the rate for interest and principal of all bonded indebtedness to be paid. As soon after the board of equalization shall have completed their labors as can conveniently be done, the common council shall fix the tax rate herein provided for.

*Board of Equalization.*

SEC. 3. The common council shall meet at their usual place of holding meetings on the second Monday of July of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints and to correct, modify or strike out any assessments made by the assessor, and may, of their motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list for each tax shall be the assessment roll or list for the taxes for said year.

Board of  
equaliza-  
tion.

*The General Law for Taxes May be Accepted.*

SEC. 4. Authority is hereby conferred upon the common council, in lieu of the provisions of this charter, or any law or ordinance, to adopt and accept for the assessment and collection of the taxes of the city the general law of the state entitled "An act to provide for levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the Constitution," approved March second, eighteen hundred and ninety-four, and amendments thereto. The common council shall have power by ordinance to adopt, accept, or come under the said general law and amendments thereto, or any similar law or provision which may be passed by the legislature for the assessment or collection of taxes; and when so adopted it shall be and become valid and binding as the law for the assessment and collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the common council shall pass all ordinances to carry out all of the provisions of such laws, and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation of any officer charged with the duties of assessing and collecting taxes under this charter or under the ordinances of the city.

General  
law for  
taxes may  
be ac-  
cepted.

*Incurring of Bonded Indebtedness.*

SEC. 5. If at any time the common council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election by the qualified electors of the city, to be held to determine

Election to  
incur  
bonded  
indebted-  
ness.



whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city. If upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the common council to pass an ordinance providing for the creating of such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the common council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this charter authorized to be levied. Such tax, when collected shall be kept in the treasury as a separate fund, to be inviolately appropriated to the payment of the principal and interest of such indebtedness. The common council shall have power to pass any and all ordinances that may appear to be necessary to carry out the provisions of this section.

Limit of  
indebted-  
ness.

SEC. 6. The city shall be limited in the matter of bonded indebtedness to twenty-five per cent of the assessed value of all property within the city limits.

## ARTICLE XVII.

### SANTA ROSA FREE LIBRARY.

Free  
library  
trustees.

SECTION 1. The free library shall be under the control and management of five library trustees, who shall be known as the "Board of Free Library Trustees"; they shall be appointed by the mayor, by and with the consent of the common council; the office of library trustee shall be honorary, and the members thereof shall serve without salary or compensation. Such trustees shall severally hold office for two years; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the end of two years. Such appointments shall be made and take effect on the first Tuesday in July, or as soon thereafter as possible. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States, and of this state, and a resident of the city for five years, shall be eligible to become a library trustee. The term of office of library trustee shall be

for three years, and until their successors are appointed and qualified.

SEC. 2. The common council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the board of library trustees, at a rate of not more than ten cents on the one hundred dollars, for the purpose of maintaining a free public library and reading-rooms and purchasing such books, journals, and other publications, and leasing such real and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in August of each year. Library tax

SEC. 3. All money and revenue paid, collected, or received by authority of anything herein contained, whether by taxation, and designated as the "library fund," and shall be paid into the city treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest. Library fund.

SEC. 4. All property, real and personal, acquired by gift, devise, bequest, or otherwise, shall vest, be, and remain in the city, and may be protected, defended and sued for by action at law, or otherwise, in the name of the city, as in other cases. Title to city property.

SEC. 5. The board of free library trustees shall take charge of all property belonging to such library and reading-rooms, or that may be acquired by loan, purchase, gift, devise, or otherwise. The trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number to act as president of their board, and one of their number to act as secretary, who shall keep a full statement and account of all property, money, receipts, and expenditures, and a record and full minutes in writing of all their proceedings. Trustees to take charge of library property.

SEC. 6. Such trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power: Powers of trustees.

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library and reading-rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To exercise and administer any trust declared or created for such library or reading-room, and to provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations thereto.

Third—To define the powers and describe the duties of any and all officers, determine the number and employ all neces-

sary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To order the drawing and payment upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the library fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this act.

Sixth—To fix the salaries of the librarian and assistants, to furnish and equip said rooms and buildings as may be necessary for such library and reading-room.

Warrants.

SEC. 7. The orders and demands of the board of free library trustees, when duly made and authenticated as above provided, shall be paid by the treasurer of the city out of the library fund.

Annual report.

SEC. 8. The trustees of such library and reading-rooms, on or before the first Monday of July of each year, shall make an annual report to the common council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used, and expended; the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during each year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the secretary of the board of library trustees, duly verified.

Ordinances.

SEC. 9. The proper municipal authorities shall pass ordinances for the protection of the library and reading-rooms, and all property thereto belonging, and for imposing penalties for the punishment of persons committing injury to such library or reading-rooms, or the property or books thereof, or for failure to return any book or other property belonging thereto.

## ARTICLE XVIII.

### EDUCATION.

School department.

SECTION 1. The jurisdiction of the school department of the said city shall extend to all the territory which is now included in the City of Santa Rosa or "Court-House School District," or which may hereafter be annexed thereto for school purposes. The school department shall be known as the Santa Rosa city school department.

Board of education.

SEC. 2. The government of the public schools of said city or district is hereby vested in a board of education composed of five members to be elected by the voters of the city or district, and they shall hold office for a term of six years; *provided*, that at the first regular election of members of the board of education held under the provisions of this charter, five members shall be elected who shall so classify themselves

by lot that the term of two of them shall expire in two years, two of them in four years, and one of them in six years. Elections for members of the board of education shall be held on the first Saturday of June every two years; the first election under the provisions of this section shall be held on the first Saturday of June, nineteen hundred four. In all other matters the elections for members of the board of education shall be governed by the general law of the state regulating elections for trustees in school districts. Any vacancy that may occur in the board shall be filled by the remaining members of the board, to hold until the next regular election. The members of the board shall enter upon their duties on the first Monday of July following their election, on which day, and annually thereafter, the board shall meet and organize by electing one of their number president to serve one year. They shall also elect a secretary of the board. They shall meet for the transaction of business at stated times. Special meetings may be called by the president or three members of the board. The board of education of "Court-House School District" in office at the time of the approval and adoption of this charter shall remain in full control of the schools until the new board has been elected and organized.

SEC. 3. The board of education shall have power:

Powers  
and duties  
of board  
of educa-  
tion.

One—To establish and maintain public schools, including high schools, technical schools, evening schools, and kindergartens, and to change, consolidate, or discontinue the same; *provided*, that all public schools, including high schools now in operation in said city, are hereby declared legally established.

Two—To employ and dismiss teachers, janitors, school census marshals, and such other persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, all or part of any of said salaries or compensation.

Three—To make all necessary rules and regulations for their own government and for the regulation of the schools, to establish and regulate the grade of schools, to prescribe the course of study, which may be changed or amended at any time, to purchase all necessary library and supplementary books, and to fix the time for the opening and closing of schools.

Four—To provide for the schools all necessary supplies, and to incur such incidental expenses as may be necessary for the welfare of the department.

Five—To build, alter, repair, rent, and provide school-houses, and furnish them with proper furniture, apparatus, and proper school appliances, to insure any and all such school property, and to make such improvements to school buildings and grounds as they may deem best.

Six—To receive, purchase, lease, and hold in fee, in trust for said schools, any and all real estate and any personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of said schools; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures

incurred for the construction of new school-houses, without the consent of four fifths of the members of the board.

Seven—To sue for any and all lots, lands, and property belonging to or claimed by the said school department or district, and to prosecute and defend all actions at all or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property; and further, to do any and all acts necessary thereto. The city attorney shall serve as attorney for the board.

Eight—To determine annually the amount of school funds, in addition to the amounts received from the state and county, necessary for the maintenance of the public schools of the said city, and for carrying into effect all the provisions regarding the public schools during the ensuing year; and this amount, exclusive of sums required for the payment of outstanding bonds and the interest thereon, so determined by the board of education, not exceeding thirty cents on the one hundred dollars valuation, on the assessment roll, shall be reported in writing to the common council on or before the second Tuesday of August of each year. The common council is hereby authorized and required to levy, and cause to be collected for school purposes, at the time and manner of levying and collecting other city taxes, the amount of taxation so determined and reported by the board of education, after making proper allowance for delinquencies.

Nine—To prohibit any child under six years of age from attending public school, except where kindergartens may be established as part of the public school system, in which case children over four may be admitted.

Ten—To admit non-resident children to any department of the schools, at the discretion of the board, upon the payment of such tuition fees that they may determine.

Eleven—To elect a city superintendent of schools, who shall be qualified by special training and education to assume expert supervision over the educational matters of the schools, for a term not to exceed four years, and to fix his compensation.

Duties of  
superin-  
tendent of  
schools.

SEC. 4. It shall be the duty of the superintendent to report to the board all matters pertaining to the interests of the schools, with such recommendations as he may deem proper; to visit the various schools, to supervise the instruction and grading of pupils and such other matters as may need his attention; to attend the meetings of the board, advise them regarding the course of study, text, library, and supplementary books, teachers' qualifications, assignment of teachers, and to perform such other duties as the board may prescribe. He may suspend or expel any pupil for misconduct or violation of rules, reporting such act to the board at their next regular meeting for their approval or disapproval.

School  
funds.

SEC. 5. The school funds of the city shall consist of all moneys received from the state and county school funds, of all moneys arising from taxes which shall be levied as provided in this charter, of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as

may be paid into the school funds, which funds shall be kept separate and distinct from all other moneys, and shall be used for school purposes alone; and if at the end of any school year any surplus remains in the school funds, such surplus shall be carried forward to the school funds of the next school year, and shall be used for no other than school purposes. All moneys collected in accordance with the provisions of this charter shall be paid into the city treasury to the credit of the proper school fund.

SEC. 6. All claims, payable out of the school fund of the city, shall be filed with the secretary of the board. The board shall examine and allow, in whole or in part, every demand payable out of the school funds, or shall reject all or part of any such demands, for good cause, of which the board shall be the sole judge; *provided*, that demands for salaries of superintendent, secretary, teachers, and janitors shall be paid monthly without presentation of claims therefor. Each demand allowed by the board shall be paid by a warrant drawn by the secretary upon the proper school fund, which warrant shall be countersigned by the president.

Claims  
against  
school  
fund.

SEC. 7. Every member of the board of education and the superintendent of schools may administer oaths on all matters connected with the school department.

Oaths;  
who may  
administer

SEC. 8. An act to re-establish "Court-House School District," in the County of Sonoma, approved March thirty, eighteen hundred and seventy-eight, is hereby repealed.

"Court-  
house  
school  
dis-  
trict," act  
repealed.

## ARTICLE XIX.

### FRANCHISES.

SECTION 1. Except as otherwise provided in the constitution of the state, or as otherwise provided in this charter, every ordinance involving the granting by the city of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than five thousand dollars in value, or any contract for supplying the city with any commodity running for a period longer than two years, must be submitted to the vote of the electors of the city at the election next ensuing after the adoption of such ordinance. A special election may be called by the common council, provided the parties applying for the franchise deposit in the city treasury the estimated cost of said election.

Franchises;  
must be  
submitted  
to people.

SEC. 2. The ticket used at such election shall contain the words "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the common council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the common council and approved by the mayor.

Ticket  
used at  
franchise  
election.

SEC. 3. No such franchise, or lease, or sale of any public utility, or purchase of land shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people as in this section provided.

## ARTICLE XX.

### CLAIMS AGAINST THE CITY.

Demands  
against  
the city.

SECTION 1. All bills, claims, and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim shall be filed by the city clerk, who shall present it to the common council, and they shall allow or reject the same in whole or in part. No bill, claim, or demand shall be allowed in whole or in part unless so made out and verified. No action shall be commenced against the city unless the said bill, claim, or demand upon which it is founded shall have been first so presented in writing, by filing the same with the city clerk, nor until two months after such filing. Upon the expiration of said two months, if such claim, bill, or demand, shall not have been allowed, or allowed only in part, and suit shall thereafter be commenced, and no more is recovered against said city than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within one year after the expiration of said two months, the bill, claim, or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever.

Warrants.

SEC. 2. Warrants on the treasury shall be drawn by the city clerk for all bills, claims, or demands allowed by the common council, which shall be signed by the mayor, countersigned by the city clerk, and shall be numbered and paid in the order of their numbers.

## ARTICLE XXI.

### MISCELLANEOUS PROVISIONS.

Definitions

SECTION 1. Whenever the word "city" occurs in this charter it means the City of Santa Rosa, and wherever any department, board, or officer is mentioned in this charter it means such department, board, or officer, as the case may be, of the City of Santa Rosa.

First  
election  
under  
charter.

SEC. 2. The common council of the City of Santa Rosa, in office at the time this charter is provided by the legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election.

SEC. 3. The officers of the city in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the first day in July,

nineteen hundred and three, or until their successors are duly qualified.

SEC. 4. This charter shall go into effect for all election purposes on the day of its adoption by the legislature, and for all other purposes, unless otherwise here provided, on the first day of July, nineteen hundred and three. Charter effective; when.

SEC. 5. The chief of police and superintendent of streets and public works shall devote their entire time and services to the duties of their respective offices.

SEC. 6. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within one month after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise. Franchises forfeited.

#### *Miscellaneous Departments.*

SEC. 7. All departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the common council, and the common council may organize the same, and charge such organization from time to time as to the common council shall seem best. The common council shall have power to appoint, promote, suspend, reduce, or dismiss all officers or employes of such departments, fix the powers, duties, and compensation of such officers and employes, prescribe rules and regulations for the government, discipline, and equipment of such departments, and to enforce penalties for the violation of any such rules and regulations; and shall have the power to do anything that may be necessary to maintain said departments in a high state of efficiency. General powers of council.

SEC. 8. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of the common council, is hereby fixed at two dollars per day for eight hours' labor. Compensation for labor.

SEC. 9. In addition to the officers mentioned elsewhere in this charter as appointive officers the following shall be appointed, viz.: chief of police, city treasurer, superintendent of streets and public works, and five library trustees. Appointive officers.

#### PROPOSAL OF THE CHARTER.

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the third day of December, in the year of our Lord one thousand nine hundred and one, at a general election held under and in accordance with the provisions of section eight, of article eleven of the Constitution of the State of California, did elect the undersigned a board of freeholders to prepare and propose a charter for said city; Certificate of freeholders.



Now, THEREFORE, BE IT KNOWN: That, in pursuance of the Constitution, and within a period of ninety days after such election, the said board of fifteen freeholders has prepared and does propose the above and foregoing charter for said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma county, California, this eighth day of February, A. D. nineteen hundred and two.

THOS. RUTLEDGE, Chairman.  
 W. D. REYNOLDS.  
 J. C. MAILER.  
 NEWTON V. V. SMYTH.  
 E. E. MORROW.  
 J. W. JESSE.  
 D. P. ANDERSON.  
 W. S. DAVIS.  
 W. H. LEE.  
 CHAS. B. KOBES.  
 J. W. KEEGAN.  
 J. F. SMITH.

Approval  
of legisla-  
ture.

Now therefore, be it

*Resolved by the senate of the State of California, the assembly concurring* (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), that said amendment to the charter of the City of Santa Rosa hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as the charter of the said City of Santa Rosa.

#### CHAPTER XXXIII.

*Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section to be numbered "one and three quarters," relative to exemption of shipping from taxation.*

[Adopted March 6, 1903.]

The legislature of the State of California at its regular session, commencing on the fifth day of January, 1903, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding thereto a new section, to be known as "section number one and three quarters," to wit:

Section 1 $\frac{3}{4}$ . All ships or shipping engaged in either foreign or domestic navigation, or in the fisheries, shall be exempt from taxation. Exempting ships from taxation.

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CHAPTER XXXIV.

*Senate Joint Resolution No. 15, requesting our senators and representatives in congress to have the battleships of the United States built in the navy yards of the United States.*

[Adopted March 6, 1903.]

WHEREAS, There has been provided by the naval appropriation bill now before congress, for the building of five battleships for the United States navy; and

WHEREAS, It has been demonstrated that such ships can be built as cheaply and under more skilled workmanship in the navy yards of the United States, than in the private yards of the country; and

WHEREAS, There are millions of dollars' worth of the latest improved machinery and equipments lying idle in the various navy yards of the country and at the same time the private concerns are overcrowded with the present government contracts on hand; therefore

*Resolved by the senate, the assembly concurring,* That we request our senators and representatives in congress to use their influence to have the five battleships aforesaid, built in the various navy yards of the United States and that one of these ships shall be built in the navy yard at Mare Island; and further

*Resolved,* That a copy of these resolutions be immediately forwarded by telegraph to each of our senators and representatives in congress, one to the Secretary of the Navy and one to the President of the United States.

Urging building of battleships in navy yards of the United States.

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CHAPTER XXXV.

*Assembly Concurrent Resolution No. 11, relative to adjournment.*

[Adopted March 12, 1903.]

*Resolved by the assembly, the senate concurring,* That the legislature adjourn sine die at twelve o'clock meridian Saturday, March 14, 1903. Adjournment.

## CHAPTER XXXVI.

*Senate Concurrent Resolution No. 19, relative to the printing for distribution by the secretary of state to certain county officers of additional copies of Senate Bills Nos. 792 and 793.*

[Adopted March 13, 1903.]

Secretary  
of state to  
mail copies  
of ballot  
laws.

*Resolved by the senate, the assembly concurring,* That the state printer be, and he is hereby, instructed to print two thousand copies of Senate Bill No. 792, and five thousand copies of Senate Bill No. 793, and that the copies so printed shall be delivered to the secretary of state, who shall mail the copies of said bills in such numbers as he may deem proper, to the various boards of supervisors of the state, registrars of voters, city councils, town trustees, and to the governing bodies of the several political parties in the state; be it further

*Resolved,* That this resolution is conditioned upon the approval of said bills by the governor.

## CHAPTER XXXVII.

*Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the constitution of the state, by amending sections two and twenty-three of article four thereof, relating to the length of legislative sessions, the compensation of members of the legislature, and limiting the number of employés of the senate and assembly, and by amending section four of article five relating to declaring elections of governor.*

[Adopted March 13, 1903.]

The legislature of the State of California, at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that sections two and twenty-three of article four of the Constitution of the State of California be amended so as to read as follows:

Length of  
legislative  
sessions.

Section 2. The sessions of the legislature shall commence at twelve o'clock m., on the first Monday after the first day of February next succeeding the election of its members, and, after the election held in the year 1880 shall be biennial, unless the governor shall, in the interim, convene the legislature by proclamation. No pay shall be allowed to members for a longer time than eighty days. No bill shall be introduced, in either house, sixty days after the commencement of each session, without the consent of two thirds of the members thereof.

Section 23. The members of the legislature shall receive for their services a per diem and mileage to be fixed by law and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five (25) dollars for each session. Each member of the legislature shall be entitled to the services of a private secretary, or clerk, of his own selection, at a per diem of four dollars. The legislature may also provide for the employment of additional help; but in no case shall the expense for additional employes or attachés exceed the sum of three hundred (300) dollars per day, for either house, nor shall the pay of any attaché be increased after he is elected or appointed.

Compensation of members and attachés.

And also that Section 4 of Article 5 thereof be amended to read as follows:

Section 4. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the legislature. The person having the highest number of votes shall be governor; but in case any two or more have an equal and the highest number of votes, the legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for governor.

Returns of election for governor.

## CHAPTER XXXVIII.

*Senate Constitutional Amendment No. 2, to propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 4, 10, 12, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.*

[Adopted March 14, 1903.]

WHEREAS, The appellate system of the state provided for in the Constitution has become and is inadequate for the discharge of the largely increased judicial business of the state, resulting from the great increase of population and development of the resources, industries, and commerce of the state since the year 1879, when the Constitution was adopted;

Preamble.

NOW, THEREFORE, The legislature of the State of California, at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes that sections one, four, ten, twelve, sixteen, seventeen, eighteen, twenty-one, twenty-three,

and twenty-four of article six of the Constitution of said state be amended so as to read as follows:—

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

Judicial  
power.

SECTION 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts of appeal, superior courts, justices of the peace, and such inferior courts as the legislature may establish in any incorporated city or town, or city and county.

Supreme  
court.

SEC. 4. The supreme court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except such as arise in justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a district court of appeal which shall be ordered by the supreme court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any district court of appeal, or before any judge thereof, or before any superior court in the state, or before any judge thereof.

Appellate  
districts.

The state is hereby divided into three appellate districts, in each of which there shall be a district court of appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

First dis-  
trict.

Second dis-  
trict.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

Third dis-  
trict.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The supreme court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said district courts of appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business. Sessions.

The district courts of appeal shall have appellate jurisdiction on appeal from the superior courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in justices' courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the supreme court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the supreme court which shall be ordered by the supreme court to be transferred to a district court of appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the district court of appeal of his district, or before any superior court within his district, or before any judge thereof. Jurisdiction of district courts.

The supreme court shall have power to order any cause pending before the supreme court to be heard and determined by a district court of appeal, and to order any cause pending before a district court of appeal to be heard and determined by the supreme court. The order last mentioned may be made before judgment has been pronounced by a district court of appeal, or within thirty days after such judgment shall have become final therein. The judgments of the district courts of appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced. Supreme court may transfer causes to district courts.

The supreme court shall have power to order causes pending before a district court of appeal for one district to be transferred to the district court of appeal of another district for hearing and decision.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at Election of justices of district courts; terms and salaries.

the general state elections at the times and places at which justices of the supreme court are elected. Their terms of office and salaries shall be the same as those of justices of the supreme court, and their salaries shall be paid by the state. Upon the ratification by the people of this amendment the governor shall appoint nine persons to serve as justices of the district courts of appeal until the first Monday after the first day of January in the year 1907, *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each district court of appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the secretary of state. If any vacancy occur in the office of a justice of the district courts of appeal, the governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general state election as aforesaid; the justice then elected shall hold the office for the unexpired term.

Quorum of court.

One of the justices of each of the district courts of appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

District justices may sit in supreme court.

Whenever any justice of the supreme court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the justices of a district court of appeal to act *pro tempore* in the place of the justice so disqualified or unable to act.

Whenever any justice of a district court of appeal is for any reason disqualified or unable to act in any cause pending before it, the supreme court may appoint a justice of the district court of appeal of another district, or a judge of a superior court who has not acted in the cause in the court below, to act *pro tempore* in the place of the justice so disqualified or unable to act.

No appeal taken to the supreme court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

Statutes in force govern appeals.

All statutes now in force allowing, providing for, or regulating appeals to the supreme court shall apply to appeals to the district courts of appeal so far as such statutes are not inconsistent with this article and until the legislature shall otherwise provide.

The supreme court shall make and adopt rules not inconsistent with law for the government of the supreme court and of the district courts of appeal and of the officers thereof, and for regulating the practice in said courts. Rules.

SEC. 10. Justices of the supreme court, and of the district courts of appeal, and judges of the superior courts may be removed by concurrent resolution of both houses of the legislature adopted by a two-thirds vote of each house. All other judicial officers, except justices of the peace, may be removed by the senate on the recommendation of the governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. Removal of judicial officers.

SEC. 12. The supreme court, the district courts of appeal, the superior courts, and such other courts as the legislature shall prescribe, shall be courts of record. Courts of record.

SEC. 16. The legislature shall provide for the speedy publication of such opinions of the supreme court and of the district courts of appeal as the supreme court may deem expedient, and all opinions shall be free for publication by any person. Publication of opinions.

SEC. 17. The justices of the supreme court and of the district courts of appeal, and the judges of the superior court shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law, which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the justices of the supreme court and of the district courts of appeal shall be paid by the state. One half of the salary of each superior court judge shall be paid by the state; the other half thereof shall be paid by the county for which he is elected. Salaries of justices.

SEC. 18. The justices of the supreme court, and of the district courts of appeal, and the judges of the superior courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. Ineligible to any other office

SEC. 21. The supreme court may appoint a reporter and not more than three assistant reporters of the decisions of the supreme court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. Reporters and clerks.

SEC. 23. No one shall be eligible to the office of a justice of the supreme court, or of a district court of appeal, or of a judge Eligibility of judges.



of a superior court, unless he shall have been admitted to practice before the supreme court of the state.

Time limit  
for render-  
ing deci-  
sions.

SEC. 24. No judge of the supreme court nor of a district court of appeal, nor of a superior court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the supreme court and of the district courts of appeal shall be given in writing, and the grounds of the decision shall be stated. When the justices of a district court of appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the supreme court.

Commis-  
sion abol-  
ished.

SEC. 25. The present supreme court commission shall be abolished at the expiration of its present term of office, and no supreme court commission shall be created or provided for after January 1st, A. D. 1905.

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#### CHAPTER XXXIX.

*Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State of California by adding a new section thereto to be numbered Section 24½ of Article IV, relating to the power of the legislature to amend existing codes.*

[Adopted March 14, 1903.]

*Resolved by the assembly, the senate concurring, That the legislature of the State of California at its regular session commencing on the fifth day of January, A. D. one thousand nine hundred and three, two thirds of the members elected to each of the two houses, voting in favor thereof, hereby proposes that Article IV of the Constitution of the State of California be amended by adding a new section thereto to be numbered Section 24½ of Article IV as follows:*

Amend-  
ment of  
codes.

Section 24½. The legislature may amend, revise and re-enact as a whole any one of the existing codes in a single act expressing that purpose in its title. This shall not be done in respect to the same code more than once in twelve years.

CHAPTER XL.

*Assembly Concurrent Resolution No. 14, relative to the consent of the legislature to absence from the state of Assemblymen John G. Mattos Jr., Grove L. Johnson, and William H. Waste, John Goodrich, and Thomas J. Kirk, superintendent of public instruction, for a period not to exceed six months.*

[Adopted March 14, 1903.]

*Resolved by the assembly, the senate concurring, That the legislature of the State of California has consented, and does hereby consent, that Assemblymen John G. Mattos Jr. of the forty-sixth assembly district, Grove L. Johnson of the seventeenth assembly district, and William H. Waste of the fifty-second assembly district, John Goodrich, and Thomas J. Kirk, superintendent of public instruction, may, and each may, depart from the State of California at any time during the remainder of their, or his, official term as assemblymen, and remain absent from the State of California for a period not to exceed six months from and immediately following the time of his departure.*

Leave of absence of John G. Mattos Jr., Grove L. Johnson, Wm. H. Waste, John Goodrich, and Thomas J. Kirk.